

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5408 of 2020

M.BHARATHI MOHAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY ITS [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
ANCHETTY PS. KRISHNAGIRI DISTRICT  
CRIME NO.17 OF 2020

For Petitioner : M/S. G.BABU Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 392 and 397 of IPC, in Cr.No.17 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution, arisen on the basis of the complaint given by the defacto complainant, Madhura Reddy, are that when on 28.1.2020 at 11.00 a.m. the defacto complainant along with his relative and friends were proceeding to Hogenakkal in a Car, bearing Reg.No.KA 51 MD 9990, at S-Bend, Melapallam, Denkanikottai-Anchetti Road, the Petitioner along with another person came in a two wheeler and intervened them and stopped the Car and then claiming to be the Police Personnel of the Prohibition Enforcement wing, threatened the defacto complainant and taken Rs.10,000/- from the defacto complainant. Hence, the Petitioner has been implicated as A1 in the case on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4. According to the learned counsel for the Petitioner, since the Petitioner is a Police Personnel, the local Police has a grudge against him and the Petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that the Petitioner is a Policeman and the defacto complainant is a resident of Bangalore and when the defacto complainant had visited Hogenakkal, the Petitioner, had committed the offence within the Anchetti Police Station limits and that the co-accused had been arrested and he had confessed that the Petitioner had taken the money from the defacto complainant by threatening. In such circumstances, custodial interrogation of the Petitioner is essential and thereby, anticipatory bail cannot be granted.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, particularly considering the fact that the Petitioner/ accused is a Policeman, who has indulged in robbery, this Court is not inclined to grant anticipatory bail in favour of the Petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते  
Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,  
ANCHETTY PS KRISHNAGIRI DISTRICT

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S. G.BABU Advocate on payment of necessary charges  
SR NO.4814

CRL OP.5408/2020

Date :09/03/2020