

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12382 of 2020

and Crl.MP.No.5146 of 2020

1.Arokiyaraj
S/o.Issac

2.Nancy
W/o.Arokiyaraj

3.Ummaiammal
W/o.Ramasamy

... Petitioners

Vs.

The Union Territory of Puducherry Rep. by
The Inspector of Police,
CBCID Police Station,
Orleanpet,
Puducherry.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.Not Known of 2019 on the file of the respondent
police.

For Petitioners : Mr.V.S.Senthilkumar

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
(Puducherry)

For Intervenor : Mr.D.Senthilkumar

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
420 r/w 120(B) of IPC, in Crime No.Not known of 2020, on the file of
the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners would submit that the
petitioners were earlier issued summons dated 13.12.2019 under
Section 91 Cr.P.C. The petitioner approached this Court seeking

anticipatory bail in Crl.O.P.No.521 of 2020 and this Court found that the petition enquiry was pending and directed the petitioner to appear for enquiry before the respondent police. Pursuant to which they also appeared. However, the enquiry has not been closed and thereby apprehending arrest, the present petition is filed.

3. The learned Additional Public Prosecutor (Puducherry), per contra would submit that on the complaint lodged by one Rajendiran, the enquiry has been initiated by CBCID and the petitioners have not appeared for enquiry. He would further submit that the complaint is still in the stage of enquiry.

4. The learned counsel for the Intervenor vehemently stated that the petitioners have not appeared for enquiry. Therefore, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that due to Covid-19, pandemic they could not appear before the respondent. However, he would submit that the petitioners are prepared to appear for the enquiry.

6. Taking into consideration the complaint is still in the stage of petition enquiry pending, the respondent police has to issue fresh notice under Section 41(A) of Cr.P.C., to the petitioners and the petitioners are also directed to appear before the respondent police and the Investigating Officer has to conduct the enquiry by strictly following the procedures therein. The Investigating Officer is to either register a First Information Report or close the complaint by 28.09.2020. If the Investigating Officer has grounds to arrest the petitioners, then he has to state the reasons in writing and communicate the same to the petitioners and in that case, the petitioners are at liberty to file necessary application before this Court seeking anticipatory bail.

7. With this observation, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

-sd/-

07/09/2020

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

TRUE COPY

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

TO

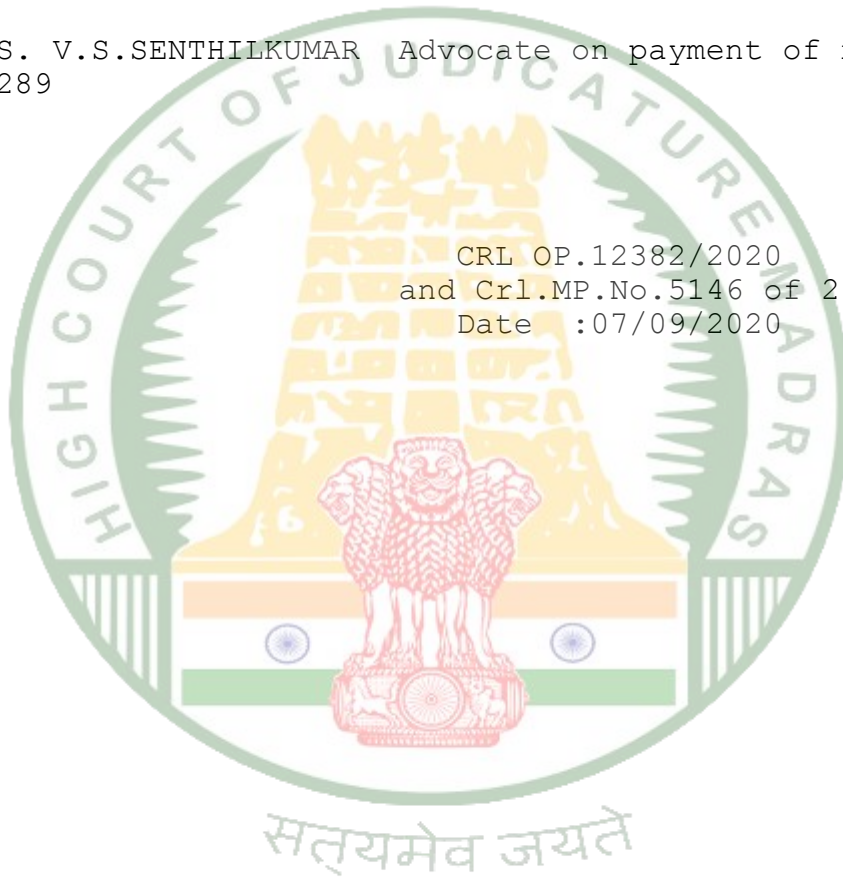
1 THE CHIEF JUDICIAL MAGISTRATE,
PUDUCHERRY

2 THE PUBLIC PROSECUTOR
PONDICHERRY

3 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
ORLEANPET, PUDUCHERRY.

+1 CC to M/S. V.S.SENTHILKUMAR Advocate on payment of necessary
charges sr no.29289

RD 21/09/2020



CRL OP.12382/2020
and Crl.MP.No.5146 of 2020
Date :07/09/2020

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