

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

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THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.14769 of 2020

M.Ramesh, M/A 43 years

S/o.Mahalingam

... Petitioner

Vs.

State Represented by its

The Inspector of police,

K-8 Arumbakkam Police Station,

Chennai-600 106

Cr.No.not known of of 2020

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to delete or relax or modify the condition which direct the petitioner herein to deposit title deeds worth Rs.10 Lakhs before the satisfaction Court concerned imposed on 17.07.2020 in Crl.M.P No.7904 of 2020 at Paragraph 6 of the order on the file of the learned Principal Sessions Judge, Chennai-600 104 by setting aside the order dated 25.08.,2020 made in Crl.M.P No.8385 of 2020 passed by the said Court.

For Petitioner : Mr.G.Saravanan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed to to delete or relax or modify the condition imposed on the petitioner herein to deposit title deeds worth Rs.10 Lakhs before the satisfaction Court concerned vide order dated 17.07.2020 in Crl.M.P No.7904 of 2020 at Paragraph 6(a) of the order on the file of the learned Principal Sessions Judge, Chennai-600 104 by setting aside the order dated 25.08.2020 made in Crl.M.P No.8385 of 2020 passed by the said Court.

2. The learned counsel for the petitioner would submit that the petitioner has approached the Principal Sessions Judge, Chennai in Crl.M.P No.7904 of 2020 seeking anticipatory bail in a case in Crime No.Not known registered by the Inspector of Police, K-8 Aminjikarai Police Station. The learned Sessions Judge, Chennai, by an order dated 17.07.2020 granted bail with condition that the petitioner shall deposit the title deeds worth Rs.10,00,000/- before the Satisfaction Court at the time of executing the bond. He would further submit that the petitioner is only the employee of M/s.Logicash Solutions Pvt. Ltd., and that the case was also pending at the

stage of petition enquiry and the petitioner also does not possess any property and thereby the petitioner has filed a petition in Crl.M.P No.8385 of 2020 seeking for modification of the condition. However, the learned Principal Sessions Judge, Chennai, had dismissed the said petition stating that the petition is not maintainable before the same Court. Therefore, the present petition has been filed. He would further submit that as on date, no case is registered against the petitioner and the petition is still pending at the stage of petition enquiry and the petitioner may be directed to appear before the respondent for enquiry.

3. The learned Additional Public Prosecutor would submit that the case is still pending at the stage of petition enquiry and the petitioner is an employee of M/s.Logicash Solutions Pvt. Ltd.

4. Taking into consideration the submissions made by both sides and since the case is pending at the stage of petition enquiry, the order passed by the learned Principal Sessions Judge, Chennai, dated 25.08.2020 is set aside.

5. However, since the case is now at the state of enquiry, the

respondent police has to issue notice under Section 41A of Cr.P.C to the petitioner. The petitioner is 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 **28.10.2020**. If the Investigating Officer has grounds to arrest the petitioner, then he has to state the reasons in writing and communicate the same to the petitioner and in that case, the petitioner is at liberty to file necessary application before this Court seeking anticipatory bail.

6. With this observation, this Criminal Original Petition is closed

28.09.2020

Internet : Yes/No

Index : Yes/No

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To

1.The Inspector of police,
K-8 Arumbakkam Police Station,
Chennai-600 106

2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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