

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14673 of 2020

1.Seetharaman
2.Amutha
3.Akila
4.Sathya
5.Kumaran
6.Abilash Rajeedharan
7.Gayathri

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
CBCID Police Station,
Pondicherry.
(Crime No. Not Known of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail, in the event of their arrest by the respondent police in Crime No. Not Known of 2020, on the file of the respondent police.

For Petitioners : Mr.A.Arasu Ganesan

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

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 CrI.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 28.10.2020. 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.

+sd/-

25/09/2020

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 PUBLIC PROSECUTOR
PUDUCHERRY

2 INSPECTOR OF POLICE,
CBCID POLICE STATION,
PONDICHERRY.

CC to M/S. A.ARASU GANESAN Advocate on payment of necessary charges

+1 CC to M/S. D.SENTHIL KUMAAR Advocate on payment of necessary charges SR.6480

CRL OP.14673/2020

Date :25/09/2020

RVR 06/10/2020



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