

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10114 of 2021

Sivakumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Virudhchalam Police Station,
Cuddalore District.
(Crime No. Not Known of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No. Not Known of 2021 pending on the file of the respondent police, on such terms and conditions and as this Hon'ble Court may deem fit.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

ORDER

(The case has been heard through video conference)

The petitioner apprehends arrest by the respondent Police for the alleged offences punishable under Section 406, 506(ii) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant - Revathy had lodged a complaint with the respondent Police alleging that she is the Principal of Jeyapriya Matriculation School and that the petitioner received a sum of Rs.7,00,000/- [Rupees Seven lakhs only] from her on various dates and did not repay the same. According to the prosecution, the de facto complainant was abused by the petitioner in filthy language and also threatened her with dire consequences whenever she sought for repayment of the loan.

3.However, it is the case of the petitioner that he is an innocent person and he was a driver working with the de facto complainant and was not paid salary for more than six months. According to the petitioner, a false complaint has been lodged against him by the de facto complainant.

4.The learned Government Advocate (Crl. Side) submits that till date, no FIR has been registered against the petitioner. However, he would submit that the petitioner has to co operate with the investigation as the complaint lodged by the de facto complainant is in CSR stage.

5.After giving due consideration to the aforesaid factors and in view of the fact that no FIR has been registered till date against the petitioner, this Court issues the following direction.

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 12.07.2021. 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.

With the aforesaid direction, this Criminal Original Petition is closed.

-sd/-

09/06/2021

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 INSPECTOR OF POLICE, सत्यमेव जयते
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.10114/2021

Date :09/06/2021

TA-22/06/2021