

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

CrI.O.P.No.10108 of 2021

Pugalenth

... Petitioner

Vs.

State Represented by its
The Inspector of Police,
Central Crime Branch,
Tiruppur.
(Crime No. Not Known of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No. Not Known of 2021 on the file of Inspector of Police, Central Crime Branch, Tiruppur/Respondent police.

For Petitioner : Mr.T.Shanmugam
For Respondent : Mr.L.Baskaran
Government Advocate (CrI.side)

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest by the respondent Police for the alleged offences punishable under Section 171E, 294 and 506(ii) IPC, on the complaint lodged by the defacto complainant viz., Rajeshwari and seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a former senior Revenue Inspector who was removed from service on account of misappropriation of funds. According to the prosecution, he approached the petitioner and requested him to file the statutory appeal challenging his removal from service. According to the prosecution, the petitioner misled the defacto complainant and thereafter, also threatened him that he will disclose his misdeeds to the enquiry officer. Further, it is the case of the prosecution is that the petitioner received money from the defacto complainant for getting him reinstated into service.

3. However, it is the case of the petitioner that he is aged about 71 years and is suffering from cardiac and renal issues. It is also the case of the petitioner that he is an innocent person and no way connected with the alleged offences. The petitioner has also stated in his petition that he has co-operated with the investigation by attending the enquiry on 25.03.2021 and 02.04.2021.

4. Learned Government Advocate (Crl.Side) on instructions would submit that till date, no FIR has been registered against the petitioner and it is only in CSR stage.

5. After giving due consideration to the age of the petitioner and alleged medical condition of the petitioner and in view of the fact that he has denied the overt-act alleged by the defacto complainant and the undertaken given by the petitioner to co-operate with the investigation in future, this Court is inclined to pass the following directions:

(a) The petitioner as well as the defacto complainant are directed to co-operate with the investigation.

(b) 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.

6. 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,
CENTRAL CRIME BRANCH,
TIRUPPUR.

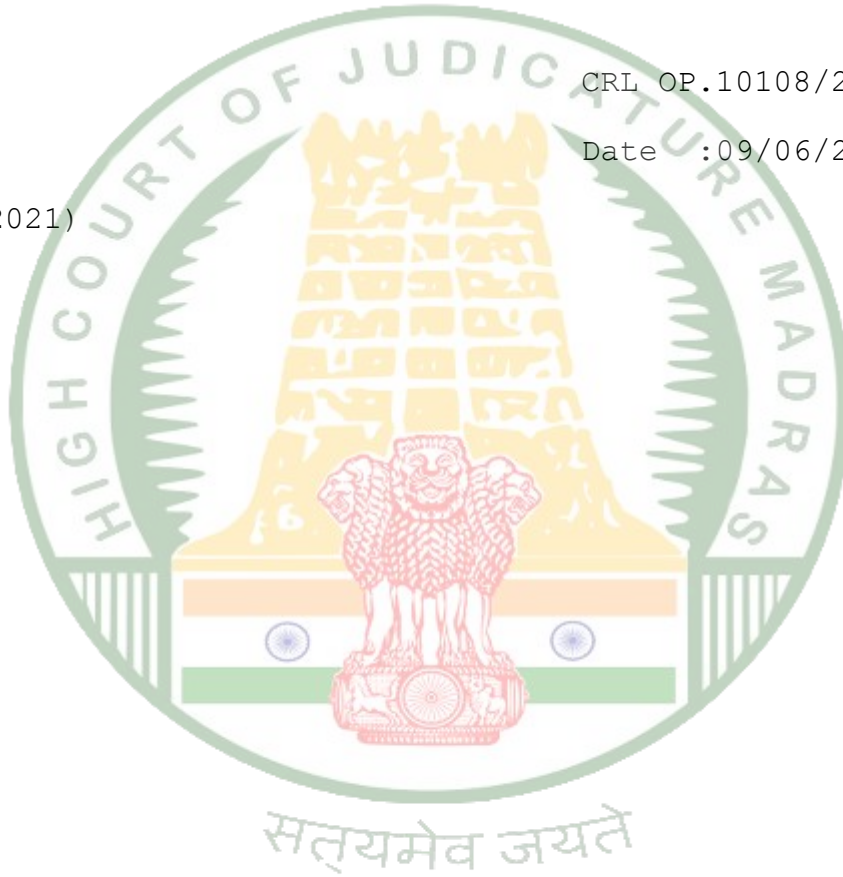
2. THE PUBLIC PROSECUTOR
HIGH COURT MADRAS 104.

CC to M/S.T.SHANMUGAM Advocate on payment of necessary
charges

CRL OP.10108/2021

Date :09/06/2021

SP(28/06/2021)



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