

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.10152 of 2021

T.S.Agathiyan

...Petitioner

Vs.

The State Represented by,
The Sub Inspector of Police,
G-2, Uthiramerur Police Station,
Kancheepuram District
(Crime No. Not Known of 2021)

....Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.975/2020 on the file of the respondent police pending investigation.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

O R D E R

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406 & 506(i) IPC and seeks anticipatory bail.

2. The case of the prosecution is that there is a money dispute between the petitioner and the defacto complainant.

3. According to the petitioner, he is having dispute with the defacto complainant with regard to the payment of money. According to the complaint lodged by the defacto complainant against the petitioner, the petitioner owes money on account of sale of paddy.

4. Learned Government Advocate (Crl. Side) for the respondent on instructions would submit that no FIR has been registered and the complaint given by the defacto complainant is only in the stage of CSR as CSR.No.364 of 2021.

5. The learned counsel for the petitioner on instructions would submit that the petitioner is prepared to co-operate with the enquiry conducted by the respondent police.

6. After recording the submissions made by the respective counsels, 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 13.07.2021. 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.

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

-sd/-
10/06/2021

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.

सत्यमेव जयते

TO

1. THE SUB INSPECTOR OF POLICE,
G-2, UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.
2. THE PUBLIC PROSECUTOR
HIGH COURT MADRAS 104.

CC to M/S.R.SASIKUMAR Advocate on payment of
necessary charges

CRL OP.10152/2021

Date :10/06/2021

SP (28/06/2021)

<https://hcservices.ecourts.gov.in/hcservices/>