

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10239 of 2021

C.Vijayakumar, M/48
S/o.Chellappan

...Petitioner

Vs.

State Represented by its
The Inspector of Police,
S-5 Pallavaram Police Station,
Kanchipuram-043.
(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, S-5 Pallavaram Police Station, Kanchipuram-043.

For Petitioner: Mr.M.Mohamed Saifulla

For Respondent: Mr.L.Baskaran

Government Advocate (Crl.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 294 (b), and 506(ii) I.P.C., on the complaint lodged by the defacto complainant viz., Mrs.Susila Kumari and seeks anticipatory bail.

2.The learned Government Advocate appearing for respondent, on instructions would submit that till date, F.I.R. has not been registered against the petitioner and the complaint given by the defacto complainant Mrs.Susila Kumari against the petitioner is in C.S.R. stage in C.S.R.No.547 of 2021 on 28.04.2021. He would further submit that petitioner should co-operate with the investigation before the respondent police.

3. The learned counsel for petitioner, on instructions would also submit that the petitioner is willing to co-operate with the investigation.

4.After giving due consideration to the aforementioned facts and in view of the fact that he has denied the overt-act alleged by the defacto complainant and the undertaking 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.

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

-sd/-
11/06/2021

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
S-5, PALLAVARAM POLICE STATION,
KANCHIPURAM 043

2. THE PUBLIC PROSECUTOR
HIGH COURT MADRAS 104.

CC to M/S.M.MOHAMED SAIFULLA Advocate on payment of necessary charges

CRL OP.10239/2021

Date :11/06/2021

SP(28/06/2021)