



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 20.09.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12038 of 2021

M.Palanivelraja

... Petitioner

Vs.

1.Commissioner of Police,  
O/o the Commissioner of Police,  
Vepery, Chennai.

2.State rep.by  
The Inspector of Police,  
R-10, MGR Nagar Police Station,  
MGR Nagar, Chennai 600 073.  
(Cr.No.838 / 2019)

3.B.I.James

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to pass an order of directing the 2<sup>nd</sup> respondent to arrest the 3<sup>rd</sup> respondent for violating the conditions of the anticipatory bail order in Crl.M.P.No.26617/2019 dated 12.12.2019 on the file of the Principal Sessions Judge, Chennai.

For petitioner : Mr.S.Kumaradeven  
For Respondents : Mr.c.E.Prathap, PP for R1 & R2

#### O R D E R

The petitioner has filed this petition seeking to pass an order to direct the 2<sup>nd</sup> respondent to arrest the 3<sup>rd</sup> respondent for violating the conditions of the anticipatory bail order in Crl.M.P.No.26617/2019 dated 12.12.2019, on the file of the Principal Sessions Judge, Chennai.

2. There was a property dispute between the petitioner/defacto complainant and the 3<sup>rd</sup> respondent. The defacto complainant approached the 3<sup>rd</sup> respondent for purchase of a plot of land admeasuring an extent of 300 sq.ft in Chennai City. The 3<sup>rd</sup> respondent, after getting the entire sale consideration by way of cash, had produced the forged documents



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to the defacto complainant. Aggrieved by the same, the defacto complainant has lodged a police complaint in Cr.No.838 of 2019, on the file of the 2<sup>nd</sup> respondent Police. As against the said complaint, the 3<sup>rd</sup> respondent has filed an anticipatory bail petition before the Principal District and Sessions Court, Chennai, in CrI.M.P.No.26617 of 2019. The Trial Court, vide order dated 12.12.2019, had granted anticipatory bail to the 3<sup>rd</sup> respondent, on condition that the 3<sup>rd</sup> respondent pays a sum of Rs.14,80,500/- to the credit of the said Crime Number and on other usual conditions. However the 3<sup>rd</sup> respondent has failed to comply with the condition to deposit the sum of Rs.14,80,500/-. Hence, the petitioner has filed a petition for cancellation of anticipatory bail in CrI.O.P.No.18022 of 2020 before this Court and this Court, vide order dated 18.03.2021, directed the petitioner to approach before the learned Sessions Court for cancellation of bail. Accordingly, on 23.03.2021, the petitioner had filed an application for cancellation of bail before the Principal Sessions Court at Chennai. Before numbering the said petition, on 22.03.2021, the Registry of the said Court returned the papers by stating that time to comply the order in CrI.M.P.No.26617 of 2019, had already lapsed and there is no bar for the police to arrest the accused and, hence, the question of cancellation of anticipatory bail did not arise. Thereafter, the petitioner has sent representation to the respondents 1 and 2 to take appropriate action to arrest the 3<sup>rd</sup> respondent. But till date, no action whatsoever has been taken by the said officials. Therefore, the petitioner left with no other option, except to approach this Court, has filed the present petition and prays this Court to direct the 2<sup>nd</sup> respondent to arrest the 3<sup>rd</sup> respondent for not complying with the conditions as imposed on him, while granting anticipatory bail.

3. The learned counsel appearing for the petitioner submitted that as per the endorsement dated 22.03.2021, made by the Registry of the Principal Sessions Court, there is no bar for the police to arrest the accused. Notwithstanding the said fact, the 2<sup>nd</sup> respondent did not take any steps to arrest the 3<sup>rd</sup> respondent for violating the conditions imposed by the learned Principal and Sessions Court, while granting anticipatory bail. Hence, this Court may issue direction to the 2<sup>nd</sup> respondent Police to arrest the accused as endorsed by the Registry of the Court below, within a reasonable time.

4. The learned Government Advocate (CrI.Side) also undertakes to comply with the said observation made by the Registry of the Principal Sessions Court, while returning papers to the defacto complainant.

5. In view of the submissions made by the learned counsel for the petitioner and the undertaking given by the learned Government Advocate (CrI.Side), this Court issues direction to the 2<sup>nd</sup> respondent Police to arrest the 3<sup>rd</sup> respondent, as



observed by the Registry of the Court below, vide its order dated 22.03.2021 for non-compliance of the bail conditions, within a period of twelve weeks from the date of receipt of a copy of this order.

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6. This Criminal Original Petition is disposed of with the above terms.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Chennai.

2.The Commissioner of Police,  
O/o the Commissioner of Police,  
Vepery, Chennai.

2.The Inspector of Police,  
R-10, MGR Nagar Police Station,  
MGR Nagar, Chennai 600 073.

3.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.

+1 cc to Mr.S.Kumaradevan, Advocate Sr.NO. 48091

Crl.O.P.No.12038 of 2021

PL (CO)

A.SK(27.10.2021)