



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.21492 of 2021

M.RADHAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.
CRIME NO.04 OF 2021.

[RESPONDENT]

For Petitioner : M/S. K.BALU Advocate

For Respondent : MR.S.BALAJI, Govt. Advocate (Crl. Side)

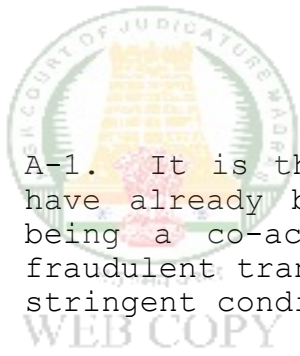
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A-3 in Crime No.12 of 2021, which was registered by the respondent police for the offence u/s 120 (B), 465, 468, 471, 477 (A), 420 r/w 34 IPC, which has since been transferred to CB-CID and reassigned Crime No.4 of 2021, seeks anticipatory bail.

2. The facts in issue pertain to forging of documents based on which compensation was received by the accused in the crime, in which the petitioner had also played his part as Tahsildar by settling the claims approved by the Assistant Settlement Officer without verifying as to the veracity and authenticity of the documents submitted by the parties receiving compensation.

3. It is the averment of the petitioner that the investigation officer has registered the case in a hurried manner with considering the facts and circumstances. It is further averred by the petitioner that after verifying all the requisite documents, by virtue of the powers conferred on the Tahsildar, the petitioner had issued patta to A-1 and that he is not a beneficiary to any of the fraudulent acts of



A-1. It is the further averment of the petitioner that A-1 and A-4 have already been enlarged on bail and, therefore, the petitioner, being a co-accused, who is directly not involved in any of the fraudulent transactions may also be granted anticipatory bail with any stringent conditions.

4. This Court, vide a detailed order dated 9.7.2021 had dismissed the anticipatory bail application filed by the petitioner and certain other accused, wherein this Court had observed that the entire transaction, which have been discussed therein by the Court, are only a tip of the iceberg, as to substantiate the aforesaid contentions, the respondent has placed documents, which clearly revealed that there are many lapses in the mutation of revenue records, grant of patta, execution of sale deeds and sale agreement and payment of compensation, which has eroded the exchequer of a chunk of money, which requires an in-depth investigation. The petitioner as well as the other persons, who have been arrayed as accused, being persons of means and enjoying much clout, this Court had felt that it would not be wise to grant anticipatory bail to any of the petitioners therein.

5. On the aforesaid reasoning, this Court had rejected the prayer of the petitioners therein for grant of anticipatory bail. The present petition for anticipatory bail has been filed by A-3.

6. A perusal of the affidavit filed in support of the petition reveals that no changed circumstances, which warrants a different view by this Court has been placed before the Court. The learned counsel appearing for the petitioner only pleads that the petitioner will cooperate in every manner with the investigation and that he will not cause any inconvenience to the investigating agency by tampering of records. It is further submitted that the petitioner has also no bad antecedents and that there is no necessity for custodial interrogation.

7. Except for the above, no circumstance, which could be said to be a circumstance, which stands changed from the previous circumstance, necessitating a different view from this Court has been placed before the Court.

8. Time and again, it has been reiterated that invoking the jurisdiction u/s 438 Cr.P.C., for anticipatory bail should be done only when there is really a changed circumstance, which necessitates revisiting the earlier order passed. However, this Court is of the considered opinion that Section 438 Cr.P.C. is invoked more often than not, even when there is no changed circumstance, however, with a mere rider in the anticipatory bail application that there is a changed circumstance. Without a changed circumstance, which materially alters the status of the case, this Court cannot consider the anticipatory bail of the accused, even if it is filed 'n' number of times.



8. For the reason aforesaid, no case is made out and no changed circumstance exists in the present case for grant of anticipatory bail and, accordingly, this petition is dismissed.

WEB COPY

-sd/-
08/12/2021

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,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.BALU Advocate on payment of necessary charges

CRL OP.21492/2021

Date :08/12/2021

JPA 29/12/2021