



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24021 of 2021

V.S.Prabhu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Erode Taluk Police Station,
Erode.
Crime No.544 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.544 of 2021 on the file of the respondent.

For Petitioner : Mr.Arun Anbumani

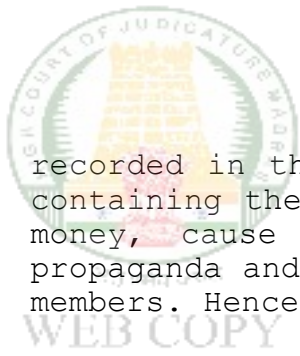
For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl.Side)

For Intervenor : Mr.N.R.Elango, Senior Counsel
for Mr.P.J.Rishikesh

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 387, 452 and 506(ii) of IPC, in Crime No.544 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was already a property dispute between the petitioner and the defacto complainant's family; that, on 24.07.2021, the petitioner came to the defacto complainant's brother's office, where the defacto complainant and his family members were present; that the petitioner threatened the defacto complainant and his family members with dire consequences; that he has to convey his farm to the petitioner or give a sum of Rs.15 crores to him; that upon receipt of the said sum, the petitioner will withdraw the cases; that the conversation has been



recorded in the surveillance camera in the room and that a pen drive containing the same was enclosed, the petitioner is seeking to extort money, cause loss to the defacto complainant's company by false propaganda and caused injury to the defacto complainant and his family members. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the defacto complainant's family are close relatives. Even the defacto complainant has fabricated electronic evidence so as to suit his claims and on such basis, the petitioner is sought to be proceeded against and there is no necessity for any custodial interrogation and the respondent police is required to follow the directions of the Hon'ble Supreme Court of India in its judgment rendered in the cases of Arnesh Kumar, Arnab Goswami, etc. However, the defacto complainant, by misusing his huge influence that he has with the police authorities, is seeking to somehow or other arrest the petitioner and put him behind bars. He further submitted that the earlier petition in Crl.M.P.No.2216 of 2021 filed before the learned Principal District and Sessions Judge, Erode was dismissed on 06.12.2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the defacto complainant raised objection stating that though the petitioner is a close relative to the defacto complainant, but he used to send RTI petition to the Government Officials through Right to Information and harassed the defacto complainant and also demanded more than 15 crores by way of extortion. Hence, the complaint was filed. Apart from that, he is a person to enrich himself by extorting money from the defacto complainant. If he released on bail, he would tamper the evidence. Further he also submitted that the pen drive, which has recording about the talks held between the petitioner and the defacto complainant, alleged demand of Rs.15 crores was made by the petitioner. He further submitted that 2 cases were pending against the petitioner on the file of CBCID. Hence, he vehemently opposed to grant bail to the petitioner.

5. By relying on the pendrive, the learned counsel appearing for the Intervenor submitted that the talks between them, at the request of the petitioner, a family conference was held, wherein he threatened the defacto complainant by demanding Rs.15 Crores. He further submitted that unnecessarily the petitioner threatened the defacto complainant and his family members. Hence, he opposed to the grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, and that the pendrive also executed, which has recording of the entire talks, it reveals that there was a land dispute between the petitioner and the



defacto complainant, and it goes more than half an hour and at the end of the talks, one such conversation was that the petitioner asked the defacto complainant, either to give the land or settle the amount. Apart from that, on seeing the conference held between them also reveals that already there is a land dispute between them and for that purpose only, on many occasion there was a conversation between them which relates to money conversation between them. But as rightly pointed out by the defacto complainant, he obtained particulars from the Government Officials about the nature of the contract work performed by the defacto complainant and this fact also fairly admitted by the petitioner's counsel at the time of arguments. Since both are close relatives and already there was a land dispute between them, subsequently, conversation was alleged against the petitioner, hence the complaint was lodged. Already there was a land dispute and he being the permanent residence of Erode. If he released on bail, he will not abscond and that he will co-operation with the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.544 of 2021, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Erode, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.544 of 2021, before the concerned Magistrate, at the time of executing bond. The final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner was released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
23/12/2021

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 JUDICIAL MAGISTRATE,
NO.I, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ERODE TALUK POLICE STATION,
ERODE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S ARUN ANBUMANI Advocate on payment of necessary
charges SR.NO.15582

CRL OP.24021/2021

Date :23/12/2021

JPA 28/12/2021