



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.15314 of 2021

K.Kalanjiyam

... Petitioner/Accused No.4

Vs

State Through
The Sub Inspector of Police,
Nachiyarpuram Police Station,
Tirupathur Taluk,
Sivagangai District.
Crime No.29 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Ananthapadmanabhan, N.
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

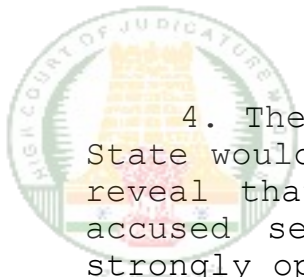
PRAYER :- For Anticipatory Bail in Crime No.29 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 436 I.P.C., in Cr.No.29 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Managing Director of Kathirvel Textiles Private Ltd., Nachiyarpuram. On 31.03.2021 at about 04.45 p.m., the watchmen found that the cotton raw material that was kept in the premises was on fire and informed to the fire service and they were able to put off the fire and consequently, it was found that somebody wantonly set fire in the premises, resulting which, a loss of Rs.10,00,000/- was occurred to the Mill. Hence, the present complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged in the F.I.R., and hence, he seeks anticipatory bail to the



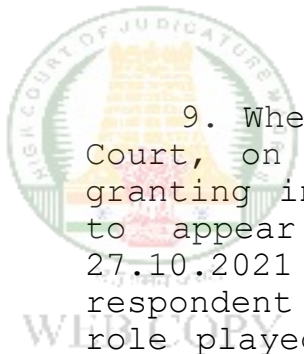
4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the confession given by the co-accused would reveal that only at the directions of this petitioner, the other accused set fire to the factory and caused damages. Hence, he strongly opposes for granting anticipatory bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State and perused the materials placed on record.

6. It is evident from records that M/s Kathirvel Textiles Private Ltd., was previously owned by one Lakshmanan Chettiyar, that subsequently the said Mill was purchased by the defacto complainant Chidambaram Chettiyar. According to the petitioner, the purchaser Chidambaram Chettiyar has not settled the entire sale price and according to the prosecution, there existed a dispute between the previous and present owner of the said Mill. The petitioner was a leader of Trade Union attached to the Kathirvel Textiles Private Limited and he is now the State General Secretary of INTUC in Tamil Nadu. The petitioner, as power agent of Lakshmanan Chettiyar, had negotiated for the sale of the Mill. It is not in dispute that previously, the defacto complainant has lodged a complaint alleging theft of machineries worth about more than two Crores and on that basis, F.I.R., came to be registered in Cr.No.24 of 2019, on the file of the Nachiyarpuram Police Station, Sivagangai District and subsequently transferred to CBCID, Sivagangai District and F.I.R., came to be registered in Cr.No.1 of 2020 against the petitioner herein and others, that the petitioner has applied and obtained anticipatory bail in Crl.M.P.No.437 of 2019, dated 22.02.2019, on the file of the Principal Sessions Judge, Sivagangai.

7. After the present occurrence, F.I.R., came to be registered in Cr.No.29 of 2021, on the file of the respondent police. The petitioner has filed an application in Crl.O.P.(MD)No.5464 of 2021, seeking anticipatory bail for the case registered in Cr.No.29 of 2021, that the State represented by the Inspector of Police, CBCID, Sivagangai has filed a petition in Crl.O.P.(MD)No.1876 of 2021 seeking to cancel the anticipatory bail granted to the petitioner in Crl.M.P.No.437 of 2019, dated 22.02.2019 by the learned Principal Sessions Judge, Sivagangai and that this Court, after enquiry, has passed common order dated 27.07.2021, dismissing the anticipatory bail petition and allowing the petition for cancellation of anticipatory bail.

8. It is not in dispute that thereafter, the petitioner has surrendered before the concerned police and thereafter applied and obtained bail in Cr.M.P.No.4153 of 2021, dated 27.09.2021. The petitioner has now filed the above petition seeking anticipatory bail for the second time.



9. When the matter was taken up for hearing on 22.10.2021, this Court, on considering the rival submissions, has passed an order granting interim anticipatory bail to the petitioner, enabling him to appear before the respondent police from 23.10.2021 till 27.10.2021 and co-operate for the enquiry and further directed the respondent police to file a report before this Court as to (i) the role played by this petitioner in the commission of offence, (ii) what is the relationship and connection between the petitioner and the other accused (iii) value of the damaged cotton in the occurrence, as per the Fire Service Report.

10. In pursuance of the said directions, the respondent police has filed a report before this Court, whereunder the Investigating Officer has concluded that due to the fire incident, there occurred damages to the tune of Rs.4,75,225/- for the cotton and that the defacto complainant has also produced receipts to the tune of Rs.10,00,000/- for setting right the damages caused to the Mill. The Investigating Officer has further observed that the petitioner herein had entered into conspiracy with the accused Pandi and taking advantage of the enmity between the previous and present owner of the Mill, the petitioner had instructed the accused Pandi to set fire to the cotton and other articles in the Mill and that the custodial interrogation of the petitioner is very much necessary to have a complete investigation of the present case as well the case in Cr.No.1 of 2021 on the file of the CBCID.

11. The learned Government Advocate (Crl.Side) would submit that the confession statement of the accused Pandi revealed that only at the directions of the petitioner, he had committed the alleged offence and caused damages.

12. Considering the seriousness and the gravity of the offences alleged and on considering the report filed by the Investigating Officer, in pursuance of the order of this Court and also considering the value of the damages caused, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

13. In the result, this Criminal Original Petition is dismissed.

sd/-

17/11/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, the responsibility of the advocate/litigant concerned.

<https://hccs.csb.jud.go.in/hccsweb>



TO

1 THE SUB INSPECTOR OF POLICE,
NACHIYARPURAM POLICE STATION,
TIRUPATHUR TALUK,
SIVAGANGAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15314 of 2021

Date :17/11/2021

SSL

MS/PN/SAR-2/26.11.2021/4P.3C