

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.1803 of 2022

K.PANDIYARAJAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPBY
CRIME BRANCH C.I.D.
METRO WING, EGMORE,
CHENNAI-08,
CRIME NO.4/2021

[RESPONDENT]

For Petitioner : M/S.S.SIVAKUMAR Advocate

For Respondent : M/S.R.KISHORE KUMAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sec.147, 323, 347, 384 and 420 I.P.C. and Section 4 of TNPHW Act in Crime No.04 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during the year 2019, the defacto complainant was taken to Thirumangalam Police Station and he was threatened by the Inspector of Police in the presence of A3 and A4 and other police officials. The defacto complainant was forced to transfer the property in favour of A2, however, the same has been prevented due to the intervention of advocates. It is further alleged that by threatening and force transferred the property in the name of A1 and the petitioner was arrayed as A6 in this case. However, for obvious reasons, the defacto complainant has lodged the complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner has been falsely implicated in this case and he is ready to cooperate with the investigation. He would further submit that the petitioner, being a Sub-Inspector of Police, except to conduct preliminary enquiry, he has not indulged in any illegal activities as alleged in the F.I.R. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that they took all efforts to arrest him, but they unable to arrest and they need some more time to arrest him. He would submit that totally 10 accused in this case and this petitioner is arrayed as A6, except this petitioner, all other accused were released on bail and recently, the Assistant Commissioner of Police has filed a petition in Crl.O.P. No. 10656 of 2022 and this court granted anticipatory bail to him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, it reveals that based upon the complaint given by the defacto complainant, F.I.R. was lodged against this petitioner and others for the offence under Sec.147, 323, 347, 384, 420 I.P.C. in Crime No. 4 of 2021. Totally, there are 10 accused in this case and 5 to 7 accused are police officials and this petitioner has worked as Sub-Inspector of Police ranked as A6. This is the third petition seeking for anticipatory bail filed by the petitioner. Considering the fact that after dismissal of two petitions, there is change of circumstances that the defacto complainant and the accused 1 to 3 have entered into a compromise with regard to transfer of properties, which were the subject matter of issue and to that effect, an undertaking affidavit has been filed in Crl.O.P. No. 12546 of 2021 and this fact is also admitted by the prosecution. Now, the change of circumstances reveal that the investigation is almost completed and all the other nine accused were released on bail and a compromise was entered by the defacto complainant. On considering the above subsequent developments, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for CCB and CBCID Court, Egmore, Chennai, 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 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 shall report before the Special Court for CCB and CBCID Court, Egmore, Chennai, daily at 10.30 a.m. for the period of four weeks and thereafter, report before the respondent police every Saturday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with 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 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/-
30/06/2022

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 SPECIAL COURT FOR
CCB AND CBCID COURT, EGMORE,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CRIME BRANCH C.I.D.
METRO WING,
EGMORE, CHENNAI-08.

+1 CC to M/S.S.SIVAKUMAR Advocate on payment of necessary
charges SR.NO. 10365

CRL OP.1803/2022

Date :30/06/2022

RW-13/07/2022