



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1641 of 2022

Saravanan

... Petitioner

Versus

The State of Tamil Nadu
Rep by the Inspector of Police,
CBCID, Metro Wing,
Chennai.
(Crime No.4 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.4 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Anil Sandeep

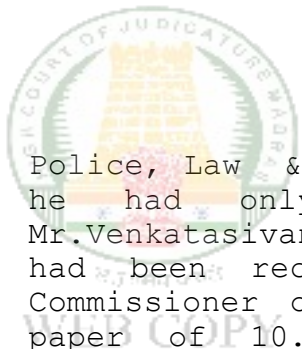
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 323, 347, 384 & 420 of IPC in Crime No.4 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property. He borrowed a considerable amount from one of the accused. The said amount was not repaid, for which, the accused persons jointed together and obtained three sale deed under threat and coercion and hence, the defacto complainant preferred a complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner was working as the Inspector of



Police, Law & Order , V-5 Thirumangalam Police Station, Chennai 2019 he had only enquired into the complaint given by one Mr.Venkatasivanantha kumar (3rd accused in this crime number) which had been received by him from the office of the Assistant Commissioner of Police, Thirumangalam, on 11.05.2021 as a current paper of 10.05.2019 in R.C.No.5/AC/Tmr/PG/19. He also further submitted that he only enquired into the allegations in the petition of 10.05.2019 in R.C.No.5/AC/Tmr/PG/19. as against the defacto complainant and the very petition itself was only for cheating the said Mr.Venkatasivanantha Kumar of Rs.45,00,000/-He further submitted that the petitioner had never abused his power at any point of time and he had never threatened or intimidated the defacto complainant and he was only conducting an enquiry involving the defacto complainant and the said Mr.Venkatasivanantha kumar on 10.05.2019. Thereafter, he was transferred from the Thirumangalam Police Station, Chennai to Anti Vice Squad, Chennai. He further submitted that co-accused have been granted anticipatory bail by this Court in Crl.O.P.Nos12546 and 23104 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused persons had created the bogus documents with intention to grab the property belonging to the defacto complainant. He further submitted that the petitioner is the police and he misused his power and threatened the defacto complainant and harassed the family members of the defacto complainant to execute power of attorney, based upon which, other documents were forcibly executed. He further submitted that if the petitioner is released on bail, he may tamper the vital witnesses and incriminating the documents and derail the investigation process. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. A counter filed by the respondent before this Court and stated that the petitioner along with other police officials had threatened and assaulted the defacto complainant and his family members. Further, 41-A Cr.P.C., notice was issued to the petitioner for his appearance before the Investigation Officer on 23.08.2021, since the petitioner was not available in his residence the notice was pasted on the wall of his residence and till now the petitioner has not turned up for enquiry and is not co-operating for the invesigation till date. Further, the petitioner is an experienced person with more than 20 years of service in the Police Department and hence all the tricks and technique used by the police department are misused by the petitiner and continuously evading arrest.



6. Considering the facts and circumstances of the case and also the fact that the petitioner is an police, he misused his power and on seeing the gravity of the offence as well as absconding of the accused, the investigation is at initial stage, if he released on bail, he may tamper the witness and trial proceedings, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
18/02/2022

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 INSPECTOR OF POLICE,
CBCID, METRO WING,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.ANIL SANDEEP Advocate on payment of necessary charges

CRL OP.1641/2022

Date :18/02/2022

JPA 23/02/2022