



WEB COPY

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

Reserved on :06.04.2022

Pronounced on :11.04.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CrI.O.P.No.7815 of 2022

Sivakumar

.. Petitioner

/versus/

State rep.by
Inspector of Police,
Crime Branch C.I.D.,
Metro Wing,
Egmore, Chennai 600 008.
(Crime No.4 of 2021)

..Respondent

Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.4 of 2021 on the file of the respondent police.

For Petitioner :Mr.N.R.Elango, Senior Counsel
for Mr.A.S.Aswin Prasanna

For Respondent :Mr.S.Santhosh,
Govt.Advocate (CrI.Side)

O R D E R

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 323, 347, 384, 420IPC & under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No. 4 of 2021, seeks anticipatory bail.

2.The petitioner pleads innocence and claims that the case is registered against him, due to personal vendetta.

3.Whereas the learned Government Advocate (crl.side) states that, investigation reveals that, the defacto complainant during the year 2019, he was called to V-5 Thirumangalam Police Station in connection with the complaint preferred by Venkatasivanagakumar against one Venkatesh of Ayyampakkam alleged of cheating Rs.20 crores. When the defacto complainant went to the police station, he was threatened by the Inspector of Police, Mr.Saravanan on the instruction of this petitioner who was serving as Assistant



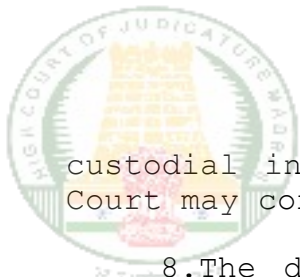
Commissioner of Police, Thirumangalam Range at the time of alleged occurrence. Later he was forced to give power of attorney in favour of Venkatasivaganakumar on 20/06/2019 in respect of his property at Ayyampakkam. Few months later, at the instruction of this petitioner, he and his fiancée were abducted from a hotel at Coimbatore to Chennai and under threat, got his property registered in the name of one Tharun Krishna Prasad. With the assistance of the petitioner and other police personals, two sale deeds were forcible obtained from him on 03/10/2019 and 04/10/2019 and got them registered at Ambattur and Manvalanagar Sub-Registrar Office.

4.As per the learned Government Advocate (crl.side), the entire episode started with this petitioner, who while working as Assistant Commissioner of Police got a complaint from Venkatsivanagakumar (A-3) and forwarded it to Thirumangalam Police Station. On 10/05/2019, the Inspector of Police, Mr.Saravanan (A-10), as per the instruction of this petitioner (A-3) along with the police personnel's Pandiayarajan, Sub Inspector of Police (A-6), Head Constable Joseph (A-8), Grade- I Police Constable Jeyakumar (A-7), Head Constable Giri (A-9) formed a team and went to the house of the defacto complainant (Rajesh) forcible took away the property documents and injured the mother of the defacto complainant.

5.Again on 10/06/2019, they took the defacto complainant to Thirumangalam Police station and under threat, forced the defacto complainant to register the property in favour of A-3. A team of policemen on 02/10/2019 as per the instruction of this petitioner went to Coimbatore and forcible entered into the room where the defacto complainant and his fiancée were staying and threatened them with dire consequence and took them forcible to Chennai confined them in a Private Guest House located at Red Hills, Chennai and harassed them. Hence, case is registered against all these accused and this petitioner, who was Assistance Commissioner of Police, headed and instructed the team to commit serious offence. Hence, the petitioner is arrayed as A-6 for alleged offences under Sections 147, 201, 212, 216, 323, 347, 353, 384, 420, 365, 354 A (ii), 354 D, 506 (ii) IPC and Section 4 of TNPHW Act.

6.It is further submitted by the learned Government Advocate (crl.side) that, the petitioner is absconding, since the registration of complaint and he is recently put under suspension. The arrest and custodial interrogation of the petitioner is imminent, in view of the evidence collected against him.

7.Whereas the learned Senior Counsel for the petitioner submitted that, the investigation in this case is completed. The defacto complainant and the prime accused in this case have also arrived at a settlement and the offending documents were cancelled and joint compromise memo filed before this Court in the quash proceedings initiated by other accused. In such circumstances, the



custodial interrogation of the petitioner is not necessary and this Court may consider granting anticipatory bail.

8. The defacto complainant has made specific allegation against this petitioner regarding his excess and highhandedness. The proposed joint compromise between the private party may not exonerate the alleged excessive force and abuse of power alleged to have been committed by the petitioner. The abscondence of the petitioner all along though being a senior police officer, discloses his intention and if he is released on bail, he may not be available for investigation and trial.

9. Taking note of the averments made in the FIR and the conduct of the petitioner, this Court is not inclined to entertain this anticipatory bail petition.

10. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

11/04/2022

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 INSPECTOR OF POLICE,
CRIME BRANCH C.I.D, METRO WING,
EGMORE, CHENNAI-600 008.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.S.ASWIN PRASANNA Advocate on payment of necessary charges

CRL OP.7815/2022

Date :11/04/2022

RVR 20/04/2022