



4. This Court on 11.04.2022, considering the gravity of the offence alleged against this petitioner and the position of the petitioner / Sivakumar, who is the Assistant Commissioner of Police, dismissed the petition.

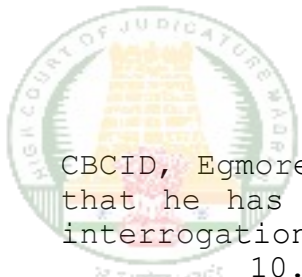
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5. This anticipatory bail petition is revived again after a lapse of two months stating that the defacto complainant and the prime accused have already entered into a compromise and the same has been recorded in the proceedings before this Court and furthermore, subsequent to the dismissal of his anticipatory bail petition, A-10 / the Inspector of Police was arrested. The defacto complainant has settled the dispute with the prime accused. There is no further progress in the investigation. In such circumstances, if the petitioner is not taken into custody, its repetition at this stage and offers to co-operate in the investigation without any deviation and will not tamper or hamper the investigation.

6. The counter has been filed by the respondent police stating that the alleged compromise entered between the defacto complainant and Accused 1 and 2 in respect of their money transaction in this case has less relevance to the case under investigation, wherein, serious allegations were made against this petitioner and A10, who were serving as the Assistant Commissioner of Police and the Inspector of Police abusing their power and high handedness abducted the defacto complainant and his wife and kept them in illegal detention and forced them to execute the sale deed, which is the case of serious nature and the custodial interrogation is very much required.

7. This Court, revisits the facts and evidence collected by the investigation agency from the date of registration of the complaint till today, finds that the alleged occurrence is took place in the middle of the year 2019. The First Information Report has been registered on 24.06.2021 and the investigation has started with arresting some of the accused. Meanwhile the parties have approached the Court for bail, anticipatory bail and quashing of the complaint. In such petition, the defacto complainant in Crime No.4 of 2021 had even entered into a compromise with A1 and A2 and filed a Joint Memo of Compromise before this Court in CrI.O.P.No.12546 of 2021 and same is taken note by this Court. This Court has held in the earlier Anticipatory Bail petition that such compromise will not exonerate the alleged excessive force and abuse of power.

8. However in view of the subsequent development that the investigation almost completed and the compromise entered by the defacto complainant will no more require the custodial interrogation of the petitioner. Hence this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner is not permitted to leave the State of Tamil Nadu without prior permission of the Learned Chief Metropolitan Magistrate, Special Court for CCB &



CBCID, Egmore, Chennai, since the conduct of the petitioner indicates that he has been absconding all along and he was not available for interrogation.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Chief Metropolitan Magistrate, Special Court for CCB & CBCID, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

23/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE CHIEF METROPOLITAN MAGISTRATE,
SPECIAL COURT FOR CCB & CBCID,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.S.ASWIN PRASANNA Advocate on payment of
necessary charges SR.NO. 9894

CRL OP.10656/2022

Date :23/06/2022

RW-28/06/2022