



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.15439 of 2022

Saravanan

.. Petitioner/ A10

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
CBCID, Metro Wing,
Chennai
crime No.4 of 2021

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.4 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.V.Karthick,
Senior Counsel
for Mr.S.Anil Sandeep

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

For Intervenor : No appearance

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.06.2022 for the offence punishable under Sections 147, 323, 347, 384 & 420 of IPC in crime No.4 of 2021 on the file of the respondent police, seeks 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 joined together and obtained three sale deeds under threat and coercion. Hence, the case.



3. The learned Senior Counsel appearing for the petitioner would submit that the petitioner is not even aware about the sums of money that is being spoken about in the FIR and all the allegations are relating to the offences alleged in the FIR had transpired only in October 2019 and only subsequent to 26.06.2019 i.e. the date on which he was transferred from the Thirumangalam Police Station, Chennai to Anti Vice Squad, Chennai. He would further submit that the petitioner had never abused his power at any point of time and he conducted enquiry in RC.No.5/AC/Tmr/PG/19 in May-June 2019 under the instructions and supervision of his jurisdictional higher police officers i.e. the then Assistant Commissioner of police and the then Additional Commissioner of Police, Chennai. Therefore, the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the defacto complainant one, Rajesh had a contact with one, Venkatesan and on the promise of the said Venkatesan, to start a BPO centre, he gave Rs.10,00,000/- and started a company i.e. 'VRN Infosys'. While being so, the said Venkatesan failed to give salary for the employees to the tune of Rs.5.5 crores. Thereafter, the petitioner was introduced to one, Siva and the complainant was running business with him and got profit, by which he purchased property at Ayapakkam, Sevvapet and Annanoor respectively. Thereafter, the defacto complainant obtained Rs.2 crores from the said Venkatesan, which was not returned by the complainant and therefore, the said Venkatesan got the company 'God Speed Security System' from the complainant. While being so, in the month of May 2019, some police officials grabbed the complainant to Thirumangalam Police Station, where the petitioner herein-Inspector of Police threatened the complainant and got the details of his property and also thereafter, some police officials came to his house and obtained the original documents. They also took him and his mother along with them and threatened to register the two properties in respect of the one, Siva for the reason the complainant had to give a huge money to him. On 10.06.2019, again the complainant was threatened to register two properties and on 20.06.2019, power of attorney was executed in favour of Siva for the Ayapakkam property. Thereafter, on 03.10.2019, the police officials took the complainant's mother and another to Farm House in Senkundram and asked Rs.7.5 crores as if it was given by the said Venkatesan. Thereafter, some police officials went to the house of the complainant and obtained original documents of all his property on threat. Thereafter, they were assaulted. Therefore, on 05.10.2019 and 06.10.2019, the complainant registered the Annanoor property in favour of one, Tharun Krishna Prasad and also the Sevvapet property. Thereafter, on 10.10.2019, they also obtained signature in unwritten bond paper and stamp paper from the family members of the complainant.



5. It is seen that the occurrence took place during the period 01.05.2019 to 10.10.2019. The petitioner was an investigation officer of V5 Thirumangalam Police Station and subsequently he was transferred from the said police station to the post of Inspector of Police, Anti Vice Squad, Chennai on 26.06.2019. Though FIR was registered on 24.06.2021, the respondent did not bother about the arrest of the petitioner immediately. He was arrested and remanded to judicial custody only on 10.06.2022. In the meanwhile, there was compromise between A1 to A3 and the defacto complainant. In fact, some of the police officials were granted anticipatory bail on the terms of compromise entered between A1 to A3 and the defacto complainant. However, they did not keep up their words and the defacto complainant approached this Court for cancellation of anticipatory bail. Thereafter, they executed cancellation of sale deed in favour of the defacto complainant. That apart, even according to the case of the prosecution, in the month of May, the defacto complainant was taken to farm house at Senkundram and illegally detained him and in front of his mother, he was beaten up and compelled to executed power of attorney in favour of A3. However, through the said said power of attorney, no document was executed and thereafter only on 05.10.2019 and 06.10.2019, the defacto complainant executed sale deeds in favour of A1 and A2 in respect of the properties situated at Annanoor and Sevvapet. Admittedly, on 05.10.2019 and 06.10.2019, the petitioner was not the Inspector of Police, V-5 Thirumangalam Police Station since he was transferred on 26.06.2019 itself to the post of Inspector of Police, Anti Vice Squad, Chennai.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 10.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Special Metropolitan Magistrate Exclusive Trial of CCB & CBCID, Egmore and on further conditions that:

[a] 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 stay at Nagercoil and report before the Inspector of Police, Nagercoil Police Station, Nagercoil daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



[d] the petitioner shall not tamper with evidence or witness 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/-

06/07/2022

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 METROPOLITAN MAGISTRATE
EXCLUSIVE TRIAL OF CCB & CBCID,
EGMORE,

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CBCID, METRO WING, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
NAGERCOIL POLICE STATION, NAGERCOIL

+1 CC to M/S S.ANIL SANDEEP Advocate on payment of necessary charges SR.NO.10764

CRL OP.15439/2022

Date :06/07/2022

JPA 06/07/2022