

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.25993 of 2021

N.Dinesh

... Petitioner

-Vs-

The State represented by
The Inspector of Police,
Kitchippalayam Police Station,
Salem City,
Salem District.
Crime No.609 of 2019.

... Respondent

Prayer : Criminal Original Petition is filed under Section 438 of the Criminal Procedure Code, praying to grant an Anticipatory Bail to the petitioner in the event of his arrest or on his appearance before any court in connection with the case in Crime No.609 of 2019 pending investigation on the file of the respondent police herein.

For Petitioner : Mr.R.Dinesh Kumar

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 342, 387, 392, 420 and 506(ii) of I.P.C. in Cr.No.609 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner along with other accused approached the defacto complainant under the guise of purchasing a car, asked him to come to the house of A1 and at knife point intimidated and threatened the defacto complainant and made him call the owner of the car and made the owner of the car to hand over the car to A1 and also got the documents signed in the transfer form and obtained signatures from the defacto complainant. They have also snatched the defacto complainant's ATM card, debit card, his signed cheque leaves and R.C.Book.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he happens to be the friend of the main accused. He would submit that it is for the reason that the respondents have not taken any steps to arrest the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the this is the 6th application for seeking anticipatory bail. The petitioner is a member of a notorious gang. He along with other accused calculated and approached the defacto complainant and asked him to come to the house of A1 and intimidated the defacto complainant and got his signature in several papers as if the amount was paid to him and they have also obtained signature of the car owner in the transfer forms and they have also snatched the ATM card, debit card, signed cheque leaves and R.C book from the defacto complainant. He would further submit that A1 was arrested and he is still in custody and the earlier application for aniticipatory bail filed by the petitioner was dismissed as withdrawn very recently on 22.09.2020 in Crl.O.P.No.14813 of 2020. The earlier application for anticipatory bail was dismissed on 28.10.2020 in Crl.O.P.No.16560 of 2020.

5.In the case of G.R.Ananda babu vs. State of Tamil Nadu and another reported in 2021 SCC Online SC 176, the Hon'ble Supreme Court had held that the successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused is absconding and not co-operating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same judge.

6.In the present case, the other accused in the rank of A2 to A4 are still absconding and they are not co-operating with the investigation. In the light of the above decisions, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

-sd/-

10/02/2022

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,
KITCHIPALAYAM POLICE STATION,
SALEM CITY, SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.DINESHKUMAR Advocate on payment of necessary
charges

CRL OP.25993/2021

Date :10/02/2022

JPA 18/02/2022