



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 24/06/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.9996 of 2022

Prem Kumar

... Petitioner/Accused
Rank Unknown

Vs.

State rep.by
The Inspector of Police,
Courtallam Police Station,
Tenkasi District,
Tenkasi.
(Crime No.122 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Lajapathi Roy, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.122 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as an accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 120-B, 419, 420, 423, 465, 468 and 471 IPC, in Crime No.122 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is having a property in survey No.258A measuring about 4.25 acres in Airaperi Village, Tenkasi District. The parent document was missing. He applied for encumbrance certificate, on 09/03/2021 and found that the mutation has been changed in the name of A1 to A6 with the help of A7 and A8. Based upon the above said complaint, the case was registered.

3.Seeking anticipatory bail, the present petition has been filed by the petitioner.

<https://www.mhc.tn.gov.in/judis>

4.Heard both sides.



5. It is unfortunate to note that the petitioner is working in the Police Department is able to put his hands anywhere and at any time of his will. The reason for me to make this preliminary observation is that in the additional typed set of papers, the petitioner produced the xerox copy of the confession statement alleged to have been given by the co-accused Maharajan. When this was noticed by me, I put some sort of question to the learned counsel appearing for the petitioner, as to how he was able to lay his hands to the confession statement of the co-accused, which is available in the CD file. This shows, as mentioned earlier, by using his official position, the petitioner is capable of laying his hands at any file. This much of influence, he is enjoying in the Department. With these, let us go to the factual aspect.

6. The learned counsel appearing for the petitioner would submit that except the confession statement of the co-accused, no other material has been collected by the Investigating Officer to implicate this petitioner in the offence.

7. But reading of the confession statement of the co-accused shows that the petitioner was all along abetting and sharing the profit of crime, screening the offenders and even went to the extent of advising the offenders. Even though, the learned counsel appearing for the petitioner would submit that the involvement of the petitioner in this crime is not spoken by the co-accused. It cannot be a matter for consideration in the investigation. The factual situation is entirely different.

8. Perusal of the CD file shows that it is a clear case of impersonation. How this petitioner is involved in the occurrence, is a matter for thorough investigation by subjecting the petitioner to custodial interrogation. As mentioned earlier, the petitioner is not only involved in this issue, but also in other matters also along with the co-accused.

9. Anticipatory bail is purely a discretionary power, which is guided by the standard principles. When we apply the fundamental standard principles to the case of the petitioner, I am of the considered view that he deserves no consideration at all.

10. So the this criminal original petition deserves dismissal and accordingly, it is **dismissed**. The petitioner has to surrender before the respondent police subjecting to custodial interrogation.

Sd/-
24/06/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
COURTALLAM POLICE STATION,
TENKASI DISTRICT,
TENKASI.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.9996 of 2022
Date :24/06/2022

SP/JM/SAR IV/01/07/2022/3P/3C