



WEB COPY

W.P.No.32121 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

W.P. No.32121 of 2023

Kannan Narayanan

... Petitioner

-VS-

1.The Deputy Commissioner of Police,
J2, Adyar Police Station,
Dr.Muthu Lakshmi Road,
Indira Nagar, Adyar,
Chennai , Tamil Nadu 600 020.

2.The Inspector of Police,
Unit -IV, EDF II,
Central Crime Branch,
Vepery, Chennai – 600 007.

3.Nelson Samuel. A

4.Godwin Wilson

...Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India, to issue Writ of Mandamus or any other direction in the nature of writ, directing the 2nd respondent to take action against the 3rd and 4th respondent in accordance with law by disposing of the petitioner's representation dated 03.09.2023.

For Petitioner

: Mr.S.Vasu

Respondents

: Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

**ORDER**

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The petitioner herein is the defacto complainant in a case registered by the second respondent police for offence under Sections 406, 420, 465, 468, 471 & 120(b) IPC. The grievance of the petitioner is that the 3rd and 4th respondents got anticipatory bail in CrI.O.P. No.14284 of 2020, dated 19.04.2021 on condition that they shall deposit Rs.7.5 lakhs, but had not complied the order. However, the police without securing them has filed final report and same been taken on file by the learned Judicial Magistrate, Alandur in C.C. No. 185 of 2021.

2. The contention of the learned counsel appearing for the petitioner is that having failed to comply the anticipatory bail condition namely the deposit of Rs.7.5 lakhs, 3rd and 4th respondents have been secured and sent to prison.

3. This Court on perusing the records and final report find that the custody of the respondents 3 and 4 herein was never required by the Investigation Officer during the investigation or by the trial Court which is now seized of the matter. Since the respondents 3 and 4 are cooperating with the trial, the necessity of securing them or releasing them in view of the pre arrest bail did not arose. Hence, securing them for non compliance of the anticipatory bail condition also does not arise.



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4. Generally Courts, while granting pre-arrest bail, impose certain conditions. Those conditions may be reasonable, unreasonable, onerous or incapable of complying by the petitioner who seeks bail. The petitioner who seeks anticipatory bail and gets anticipatory bail, might not comply the conditions but choose for his arrest. At the same time, Police also may not require the custody of that person. In such circumstances, the Court cannot force the person to comply the conditions or Police to arrest him. The prayer in this petition, tantamount to such order. Hence, this Court dismissed the writ petition as devoid of merits. No costs.

09.11.2023

Internet : Yes/No

Index : Yes/No

rkp

To

1. The Deputy Commissioner of Police,
J2, Adyar Police Station,
Dr.Muthu Lakshmi Road,
Indira Nagar, Adyar,
Chennai , Tamil Nadu 600 020.
2. The Inspector of Police,
Unit -IV, EDF II,
Central Crime Branch,
Vepery, Chennai – 600 007.
3. The Public Prosecutor,
Madras High Court, Madras.



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