



Crl.O.P.No.11618 of 2024

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K. KUMARESH BABU, J.

It was reported by Mr.S.Santhosh, learned Government Advocate (Crl.Side) that the petitioner had been secured and had been remanded to the judicial custody. In view of such statement, the anticipatory bail would have been closed with liberty to the petitioner to approach the Court by filing appropriate application as per law.

2.However, in the present case, when it was listed for hearing on 09.05.2024, the learned Government Advocate (Crl.Side) had reported to this Court that he had been instructed that the petition enquiry is pending. However, Mr.M.P.Saravanan, learned Counsel appearing for the petitioner had submitted that the petitioner had been secured within the Court premises by the Inspector of Police. Hence, the learned Government Advocate (Crl.Side) was directed to look into the issue and make the submissions today i.e on 10.05.2024.



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3.The learned Government Advocate (Crl.Side) on instructions would submit that an FIR in Crime No.16 of 2024 was registered by the respondent/police on 07.05.2024 at 08.00 P.M against the petitioner for the offences under Sections 120 B, 420, 294(b) & 506 (2) of IPC. He would further submit that based on the registration of FIR and also based on the earlier antecedents of the petitioner, a team under the head of the Inspector of Police was formed to nab the petitioner. Having an information that the petitioner was in Chennai, the team had come to Chennai and had secured the petitioner near Raja Annamalai Mandram, Chennai and had been remanded to judicial custody on the same day at 08.30.P.M before the Judicial Magistrate Court No.III, Salem. On further enquiry as to why this Court has not been informed of the registration of an FIR, it had only been reported that the petition enquiry was pending, he further stated that on 07.05.2024, the Office of the Public Prosecutor had intimated the respondent/police at 09.05 P.M and on 09.05.2024, the SSI of Salem City, CCB one Mr.Munavar Sheriff had given the said instructions.



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4.From the sequence of events narrated by the learned Government Advocate (Crl.Side), it would be seen that an FIR had been registered on 07.05.2024 at 08.00 P.M. and the intimation for instructions had been sent by the Office of the Public Prosecutor on 07.05.2024 at 09.05 P.M. i.e., after the registration of the FIR. However, on instructions had been given to the learned Government Advocate (Crl.Side), he has informed this Court that petition enquiry is pending. He was not informed about the registration of the FIR. It cannot also be said that the Inspector of Police, who had apprehended the petitioner was not aware of the pendency of the Anticipatory Bail petition before this Court, as the intimation had been received by the CCB Wing about the pendency of the Anticipatory Bail petition on 07.05.2024 itself. She had traveled to Chennai to nab and secure the petitioner, but had not bothered to inform either the Office of the Public Prosecutor nor the SSI, who was on duty before this Court carrying instructions. These conduct of the respondent/police, in my view is to hoodwink the Court and is a clear abuse of process of the Court, amounting to contempt of court. In such view of the matter, the respondent is directed to show cause, as to why the contempt proceedings under Section 15 of the Contempt of Courts,



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Act 1971 should not be initiated against her for providing false information to the learned Government Advocate, to place such information before this Court. Such response shall be filed by the respondent on or before 07.06.2024 by way of an affidavit.

5. In the result, this Criminal Original Petition stands closed. Post this Criminal Original Petition on 07.06.2024 for filing affidavit.

10.05.2024

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