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CrI.O.P.No.20412 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.20412 of 2024

Selvam

... Petitioner

Vs.

The state Rep.by
The Deputy Superintendent of Police,
District Crime Branch,
Tiruvannamalai
(Crime No.12 of 2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Criminal Procedure Code, pleaded to call for the records in M.P.No.1 of 2024 in CrI.M.P.No.1445 of 2024, dated 08.08.2024 passed by the Principal Sessions Court, Tiruvannamalai and set aside the same.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

The petitioner herein is the named accused in Crime No.12 of 2024 for the alleged offence of cheating. While seeking anticipatory bail he has filed an application under Section 91 Cr.P.C., for production of



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documents by the respondent police which are connected with the complaints given by the petitioner, his wife and others as against one Kapilkumar and his associate Balaji. The trial Court dismissed the application on the ground as unnecessary while considering the application for anticipatory bail.

2. The learned counsel appearing for the petitioner states that the allegations against him in the complaint registered in Crime No.12 of 2024 is baseless and in fact the chit business alleged to have been run by the petitioner was run by one Kapilkumar and his associate Balaji. Like any other victim, petitioner and his wife were also cheated by Kapil Kumar, so the complaint has been given to the respondent police against him. While so, on the complaint given by one Manivannan, police has registered the case against this petitioner, suppressing the earlier complaint given by this petitioner against Kapilkumar and Balaji. Hence these complaints against Kapil Kumar and Balaji are necessary to consider the bail application.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police states that the complaint of the petitioner as against



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Kapilkumar and Balaji has nothing to do with the investigation of the present case. More so, to consider the anticipatory bail. Hence the trial Court has rightly dismissed the application.

4. The learned counsel appearing for the petitioner relying upon Hon'ble Supreme Court judgment rendered in *State of Orissa Vs. Debendra Nath Padhi* would submit that the trial Court may consider the documents produced by the accused before framing of charge, if those documents are of sterling quality and impeccable nature.

5. This Court has no quarrel with the above preposition of the Hon'ble Supreme Court. The stage of summoning the documents may arise at the time of framing of charges or in the course of trial, not while considering the anticipatory bail petition. Hence as rightly pointed out by the trial Court even before completion of investigation, the petitioner herein under the guise of seeking anticipatory bail has filed application to make a roving enquiry and torpedo the investigation against him.

Dr.G.JAYACHANDRAN,J.

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6. This Court finds no merit in this petition. Hence this



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Criminal Original Petition is dismissed.

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Neutral Citation : Yes/No
rpl

To

1.The Principal Sessions Court, Tiruvannamalai.

2.The Deputy Superintendent of Police,
District Crime Branch,
Tiruvannamalai

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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