



CRL OP(MD). No.6384 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6384 of 2024

C.Xavier

... Petitioner/ Accused Rank not known

Vs

The Inspector of Police,
Crime Branch - E1, K.Pudur, Madurai,
Madurai City.

(Crime No.not known of 2024)..

... Respondent/Complainant

For Petitioner : Mr.N.Shanmuga Selvam, Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.not known of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent



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Police, in connection with a case in Crime No. Not known of 2024, for the offence punishable under Section 420 of IPC, has filed this petition seeking anticipatory bail.

2. The case of prosecution is that the petitioner has borrowed a sum of Rs.1 lakh from the defacto complainant and failed to repay the same. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that based on the complaint received by the Deputy Superintendent of Police, the petitioner has been called for an enquiry. The summons have been issued to the petitioner on 06.03.2024 and 25.03.2024. However, without appearing for the enquiry before the respondent Police, the petitioner has approached this Court seeking anticipatory bail.

5. This Court considered the rival submissions.



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6. Admittedly, no case has been registered against the petitioner. In the event that if the complaint against the petitioner disclose any cognizable offence, the respondents can register a case and summon the petitioner to appear for enquiry under Section 41(A) of Cr.P.C. However, the respondents are not expected to call upon the petitioner for enquiry without issuance of summons.

7. As per the circular issued by the Director General of Police in Rc.No.226313/Crime 4(3)/2013, dated 26.07.2018, a petition enquiry has to be concluded within a period of 15 days and in exceptional cases, it has to be concluded within a period of six weeks. In this case, petition enquiry is pending for more than period of one month.

8. Hence, this Criminal Original Petition stands disposed of with a direction to the respondent Police to conclude the petition enquiry as expeditiously as possible. They are also expected not to harass the petitioner.

sd/-
25/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM



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TO
WEB COPY

1 THE INSPECTOR OF POLICE
CRIME BRANCH - E1, K.PUDUR, MADURAI, MADURAI CITY.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.N.Shanmuga Selvam, Advocate IN SR No.23116(F) dated 29/04/2024

ORDER
IN

CRL OP(MD) No.6384 of 2024

Date :25/04/2024

SS/VR/SAR- /23/05/2024/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023