



CrI.O.P.(MD)No.9380 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9380 of 2024

Yasar Arafath

... Petitioner

versus

1. The Commissioner of Police,
O/o. The Commissioner of Police,
K.Pudur,
Madurai City.
2. The Inspector of Police,
O/o. The Inspector of Police (Crime),
South Gate Police Station,
Madurai City.
3. The Sub-Inspector of Police,
O/o. The Sub Inspector of Police (Crime),
South Gate Police Station,
Madurai City.

4. Lakshmanan

... Respondents

Petition filed under Section 482 of Cr.P.C. seeking a direction to the respondent Nos.2 and 3 to not to harass the petitioner in the guise of enquiry by considering the petitioner's representation dated



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For Petitioner : Mr.SMA.Jinnah
For R1 to R3 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner, an accused in Crime No.5 of 2024 on the file of the respondent Police, has filed this petition that the respondent Police is harassing him even after the grant of bail and relaxation of condition.

2. The learned counsel appearing for the petitioner submits that the petitioner was arrested on 09.01.2024 and he was released on bail by the learned Principal Sessions Judge, Madurai, after a period of 30 days. Since the petitioner has complied with the conditions imposed by the Sessions Court, the condition was also relaxed. While so, the respondent Police has issued a summon under Section 41A Cr.P.C. to the petitioner. Pursuant to the summon, the petitioner has appeared before the respondent Police for enquiry. Even then, the respondent Police is harassing him under the guise of enquiry.



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3. The learned Additional Public Prosecutor appearing for the respondent Police submits that though the condition was relaxed, the petitioner has to appear before the respondent Police as and when required for interrogation. According to him, the investigation was not yet over. The respondent Police has arrested the co-accused in this case. Based on the confession statement of the co-accused that the petitioner was in possession of some of the vehicles involved in this case, the respondent Police has issued a summon to the petitioner for enquiry to ascertain the whereabouts of the vehicles involved in this case. According to him, some of the vehicles are yet to be recovered.

4. This Court considered the rival submissions made.

5. Admittedly, the petitioner is an accused in Crime No.5 of 2024 registered for the offence under Sections 395 and 397 IPC. The Investigating Agency claims that some of the vehicles are to be



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recovered and based on the confession statement of the co-accused, the petitioner was summoned for enquiry. Though the condition imposed on the petitioner was relaxed by the Sessions Court, the petitioner is expected to appear before the respondent Police as and when required for interrogation by the investigating agency.

6. The petitioner cannot be summoned after the condition relaxed by the Sessions Court. However, the petitioner is directed to appear before the respondent Police for a further period of three days and co-operate for enquiry. The respondent Police shall not harass the petitioner under the guise of enquiry.

7. With the above direction, this Criminal Original Petition is disposed of.

27.06.2024

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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3. The Sub-Inspector of Police,
O/o. The Sub Inspector of Police (Crime),
South Gate Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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