



Crl.O.P.No.26202 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No.26202 of 2024

Kader Batcha

S/o.R.Ibrahim,

No.17/14A, Saranalayam Garden,

Dayasadan Road, Nerkundram,

Chennai - 600 107.

... Petitioner/de-facto complainant

Vs.

1.State Rep. by

The Director,

Central Bureau of Investigation,

Plot No.5B, 6th Floor, CGO Complex,

Lodhi Road, New Delhi – 110 003.

2.Prashanth Srivastava,

The Additional Superintendent of Police,

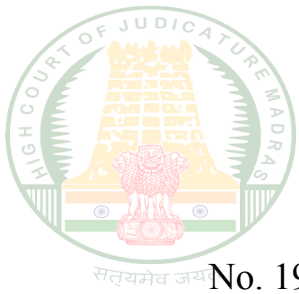
SC-II, CBI,

New Delhi – 110 003.

FIR No.RC0502024S0013.

3.A.G.Ponn Manickavel,

The Then IGP Head Idol Wing CID Chennai,



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No. 19, Kamarajar Salai,
Kottivakkam, Chennai
(R3 Impleaded as per order dated
07.11.2024 in Crl.M.P.No.15482/2024
in Crl.O.P.No.26202/2024)

... Respondents

PRAYER: Criminal Original Petition has been filed under Sections 528 of BNSS, praying to direct the 1st respondent to take necessary steps for fair investigation by restraining the accused from interfering the investigation by way of media interviews and other modes based on the petitioner's representation dated 20.09.2024 in Crime No.RC0502024S0013 dated 08.08.2024, pending on the file of 2nd respondent.

For Petitioner : Mr.L.Infant Dinesh

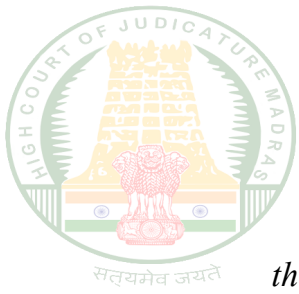
For RR-1 & 2 : Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)

For R3 : Mr.V.Selvaraj

ORDER

This Court, on 12.03.2025, had passed the following order:

“The learned counsel for the petitioner submitted that in this case, the third respondent foisted cases against him and he was arrayed as accused, arrested and remanded during investigation. Even before, the petitioner was posted as Inspector of Idol Wing Team, a case in Crime No.114/2005 was registered regarding the

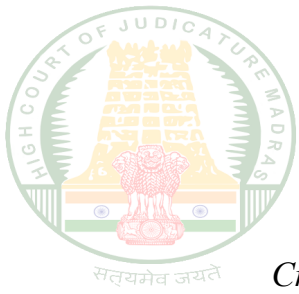


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theft of 13 idols from Palavoor Temple. Out of 13 idols stolen, 4 recovered from the possession of one Deenadayalan, who is arrayed as 8th accused in the final report. The third respondent in collusion with Deenadayalan started to foist false cases against the officers like him. He arranged for granting pardon to Deenadayalan and freed him from Palavoor case and included the name of Subash Chandra Kapoor as prime accused. Aggrieved against the petitioner being orchestrated, the petitioner filed Crl.O.P.No.18583 of 2019, in which, the entire facts as to how the petitioner has been falsely implicated and cases were registered against him, were narrated.

2.This Court, by the order dated 22.07.2022, taking into consideration the international ramification of the offence, exchange of allegations against each other by two police officials, who were privy to the idols theft cases, the alleged attempt to screen the crime of theft and the thieves, found that it is a case to be investigated by Central Bureau of Investigation (CBI) to unravel the truth and to secure the culprits as well as recovery of other antique idols and directed the CBI to conduct investigation. Further directed the CBI to take cognizance of the petitioner's representation dated 20.04.2019 and 15.06.2019 while investigating the case in Crime No.1 of 2017 and if any concoction of fact and falsification of evidence is found in

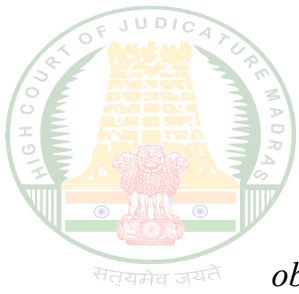


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Crime No.114 of 2005, CBI is permitted to proceed against them independently and file a report.

3. Aggrieved against the said order, the third respondent approached the Hon'ble Apex Court in SLP (Crl.) No.9446 of 2022. The Hon'ble Apex Court, by the order dated 27.03.2023 observed that the impugned order therein made without giving opportunity to the third respondent to rebut the adverse remarks made against him and granted leave to file an appropriate petition before this Court to expunge the adverse remarks made against him. After this order, no such petition filed before this Court or before the Hon'ble Apex Court. Thereafter, a fresh F.I.R. in Crime No.RC0502024S0013 dated 08.08.2024 registered against the third respondent by the CBI. Thereafter, the third respondent approached Madurai Bench of this Court in Crl.O.P(MD) No.13674 of 2024 seeking anticipatory bail and this Court, by the order dated 30.08.2024, granted anticipatory bail to the third respondent with certain conditions. One of the conditions is that the third respondent to appear before the Central Bureau of Investigation, Anti Corruption Branch, Shastri Bhawan, Chennai daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and further not to tamper with evidence or witness either during investigation or trial. After



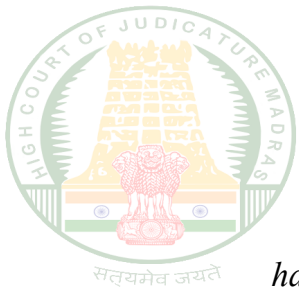
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obtaining anticipatory bail, the third respondent appeared before the CBI and after interrogation, he started meeting the press and giving long interviews making objections and allegations about the manner in which the investigation is being carried out and he being targeted.

4. According to the petitioner, this interview amounts to interference in the investigation and violation of the conditions passed by this Court in the anticipatory bail petition. Hence, the petitioner sent representation dated 20.09.2024 to the CBI seeking appropriate action to be taken against the third respondent. Since no action has been taken, the above petition has been filed.

5. The learned Special Public Prosecutor for CBI appearing for the respondents 1 and 2 submitted that the CBI registered a case based on the directions given by this Court in Crl.O.P.No.18583 of 2019. The order is a detailed one, wherein idol theft cases which were investigated by the petitioner as well as by the third respondent were narrated. There are allegations and counter allegations against the petitioner and the third respondent. Be that as it may. In the meanwhile, the third respondent aggrieved on the order passed by this Court, approached the Hon'ble Apex Court in SLP (Crl.) No.9446 of 2022. The Hon'ble Apex Court by the order dated 27.03.2023 dismissed the petition finding that the third respondent

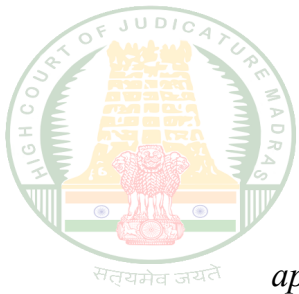


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has no locus. Thereafter the CBI registered an F.I.R. in Crime No.RC0502024S0013 dated 08.08.2024. Thereafter, search was also conducted on the third respondent's premises. The third respondent filed anticipatory bail petition and obtained protection order. One of the conditions in the anticipatory bail petition was that the third respondent to appear before the CBI and the third respondent complied the condition. In this case, on investigation CBI found that Crime No.1 of 2017 is a false case and a closure report filed before the learned Additional Chief Judicial Magistrate, Madurai. Opposing the closure report, the third respondent and 7 others filed protest petition, which is pending. As regard the F.I.R. in Crime No.RC0502024S0013, which was filed against the third respondent, now investigation completed, charge sheet is yet to be filed.

6.He further submitted that finding the third respondent's act is not in conformity to the anticipatory bail order passed by this Court, CBI is now contemplating to file cancellation of bail petition before the Hon'ble Apex Court. With regard to the merits of the case the learned Special Public Prosecutor submitted that the third respondent has also approached Madurai Bench of this Court seeking for preliminary enquiry report, which was strongly opposed and it is also informed that third respondent is filing a quash

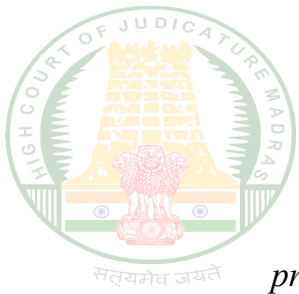


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application. That is the merits of the case that can be decided. As regards the prayer herein, the petitioner sought for fair investigation and restraining the third respondent from interfering in the investigation by way of Media interview. As regards the fair investigation, the investigation almost completed, charge sheet made ready. With regard to the media interview by the third respondent, it is for this Court to pass appropriate orders restraining the third respondent. Further during investigation the third respondent being a former responsible police officer cannot give such interview which would amount to interference in the investigation and that too immediately after interrogation.

7.The learned counsel for the third respondent submitted that he is not going into the merits of the case. Already petitions are pending before the Madurai Bench of this Court. The contention of the third respondent is that the petitioner not brought the true facts and entire materials before this Court while obtaining the order in Crl.O.P.No.18583 of 2019. Further the third respondent acted only on the directions of the Special Division Bench of this Court and he reported the registration of case, stage of investigation to the Special Bench of Idol Wing of this Court periodically. Now glossing over the same and passing order in Crl.O.P.No.18583 of 2019 would not be



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proper but that is the merits of the case. He would contend the same with appropriate materials. The apprehension of the petitioner that giving interview would be an interference in investigation and apprehension of the minds of the witnesses is unwarranted.

8.The learned counsel for petitioner submitted that after filing of the above petition before this Court, the third respondent has now kept away from media interview and the same to be continued.

9.In view of the same, the third respondent shall file an undertaking affidavit stating that he will not give any such interview, which would affect the investigation by the CBI.

10.The learned counsel for the third respondent seeks short accommodation to file an appropriate undertaking affidavit.

11.Post on 18.03.2025.”

2.In continuation and conjunction to the earlier order passed by this Court on 12.03.2025, the third respondent filed an affidavit dated 17.03.2025 containing 12 paragraphs. Though paragraph Nos.1 to 10 pertain to his views on the cases against him and the steps taken by him to defend the same, these



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are all the matter to be decided before the appropriate forum. As regards paragraph No.11, the third respondent gives an undertaking that he will not comment on the issue that is sub-judice including the case before us.

3.Recording the same, this Criminal Original Petition is disposed

of.

18.03.2025

Index: Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

Neutral citation: Yes/No

rsi

To:

1.The Director,
Central Bureau Of Investigation,
Plot No.5b, 6th Floor, CGO Complex,
Lodhi Road, New Delhi - 110 003.

2.The Additional Superintendent Of Police,
SC-II, CBI New Delhi - 110 003.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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