

Stanley Vs. State

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Court : Chennai

Decided On : Jul-31-1997

Reported in : 1998CriLJ1304

Judge : M. Karpagavinayagam, J.

Appeal No. : Crl. O.P. No. 9584 of 1997

Appellant : Stanley

Respondent : State

Advocate for Def. : N. R. Elengo, Govt. Adv., (Crl. Side)

Advocate for Pet/Ap. : R. Seetharaman, Adv.

Judgement :

ORDER

1. The petitioner working as a Police Constable attached to the Vazasaravakkam Police Station, is seeking anticipatory bail, in respect of a case registered against him in Cr. No. 508 of 1997, on the file of the Inspector of Police, Mangadu Police Station, for the offences under Sections 341, 324, 394, I.P.C., read with Sections 4(1)(a) and 10(b) of the Tamil Nadu Prohibition Act.

2. The facts of the case are these :-

(a) On 10-7-1997 at about 11.00 P.M., one Sekar, the first informant in this case was coming in his cycle from Kundrathur to Saidapet, carrying two rubber bladders, containing 35 Ltrs. of arrack.

(b) On the way, opposite to S.R. Company, Nerukampakkam, the petitioner Stanley with a Bullet Motor bike and one Ravi Kumar, another Police Constable with Suzuki bike stopped him, and asked him as to where he did carry the arrack. The complainant said that in order to sell the same at Saidapet, he took the same. Then both these Constables demanded Rs. 3,000/- for not booking a case against him. When he said that he is not having money, they demanded to pay at least Rs. 2,000/-.

(c) The said Sekar was having only Rs. 300/- in his pocket. So he said that he could as well be brought to Mangadu Police Station, and a case may be booked against him under Prohibition Act. Since they were not able to recover any money from him, both the Constables with an iron pipe beat the victim and snatched Rs. 300/- from him and the two bladders of arrack. Thereafter, they removed the cycle from him and handed over the same to a Watchman of S.R. Company, and then they left the place with arrack and the cash of Rs. 300/-.

(d) When Sekar picked up quarrel with the said Watchman, asking the Cycle to be returned to him, some other two Police Constables attached to Mangadu Police Station came to the spot and interrogated the first informant. Thereafter the case was registered and the said Sekar was sent to the Hospital, for treatment.

(e) During the course of investigation, on examination of the witnesses, including the Watchman, it was disclosed that the petitioner and another Police Constable by name Ravi Kumar of Mangadu Police Station, were those culprits of snatching the arrack, cash and removed the cycle from the complainant herein.

(f) On collection of materials on 19-7-1987, the petitioner and another were suspended by the Superintendent of Police. Now the petitioner has approached this Court for anticipatory bail.

3. Heard both.

4. Counsel for the petitioner would submit that though the occurrence had taken place on 10-7-1997, the case has been registered on 19-7-1997, as such, there is a delay of nine days.

5. The delay in this case may not cause any impact on the genuineness of the contents of the complaint, because this is a case where two Police Constables were accused of, having attacked the complainant with iron pipe and removed bladders of illicit arrack and cash from a prohibition offender. Therefore, this could be done only after obtaining the prior permission from the Head of department.

6. A perusal of the case diary would disclose that the witnesses had given the statement, stating that the occurrence had taken place on 10-7-1997. Therefore, mere delay will not be any use to make out a ground for anticipatory bail.

7. The petitioner being a Police Constable is duty-bound to detect crime, but, strangely involved in the grave crime punishable under Section 397, I.P.C., in this case. Therefore, I am of the view that the petitioner is not entitled to anticipatory bail.

8. The petition is dismissed.

9. Petition dismissed.