

ITEM NO.24+23 Court 1 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrL.) No(s).10003/2021

(Arising out of impugned final judgment and order dated 17-12-2021 in CRLOP(MD) No.18236/2021 passed by the High Court of Judicature at Madras at Madurai)

K.T. RAJENTHRABHALAJI Petitioner(s)

VERSUS

STATE THROUGH THE INSPECTOR OF POLICE Respondent(s)

(FOR ADMISSION and I.R. and IA No.168112/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.168111/2021-EXEMPTION FROM FILING O.T. and IA No.168109/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

WP(CrL.No.5/2022(X)

(For admission and IA No.4011/2022 - Stay application and IA No.4014/2022 - Clarification/direction and IA No.4013/2022 - Permission to file additional documents/facts/annexures)

SLP(CrL) No. 10051/2021 (II-C)

(FOR ADMISSION and I.R. and IA No.168927/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.168926/2021-EXEMPTION FROM FILING O.T. and IA No.168925/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 12-01-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Dushyant Dave, Sr.Adv.
In SLP(CrL.) Mr. A. Velan, Adv.
10003/2021 & Mr. E. Marees Kumar, Adv.
WP(CrL.)5/22 Ms. Navpreet Kaur, Adv.
Ms. Neha Sangwan, Adv.
Mr. Rudraksh Gupta, Adv.
Mr. A. Lakshminarayanan, AOR

In SLP(CrL.)10051/ Mr. V.Giri, Sr.Adv.
21 Mr. A. Velan, Adv.
Mr. E. Marees Kumar, Adv.
Ms. Navpreet Kaur, Adv.
Mr. Rudraksh Gupta, Adv.

Mr. A. Lakshminarayanan, AOR

For Respondent(s) Mr. Mukul Rohatgi, Sr.Adv.
For State of T.N. Mr. V.Krishnamurthy, Sr.Adv.
Dr. Joseph Aristotle S., AOR
Mr. Hasan Mohamed Jinnah, SPP
Mr. Thiruvadi Kumar, Adv.
Mr. S. Santhosh, Adv.

In SLP(Cr1.) Mr. R. Basant, Sr.Adv.
10003/2021 Mr. Saurabh Ajay Gupta, AOR
Mr. Nishant Bishnoi, Adv.
Ms. Srishti Prabhakar, Adv.

In SLP(Cr1.)No. Mr. Anish R. Shaw, Adv.
10051/21 Mr. P. Soma Sundaram, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

Since the present petitions relate to connected issues, they are being heard and taken up together.

Issue notice in W.P. (Cr1.) No. 5/2022. The respondent - State of Tamil Nadu is directed to file a detailed affidavit in the said matter.

Heard Mr. Dushyant Dave, learned senior counsel appearing on behalf of the petitioner in SLP (Cr1.) No. 10003/2021 [who is also petitioner no. 1 in SLP (Cr1.) No. 10051/2021], Mr. V. Giri, learned senior counsel appearing on behalf of the other petitioners in SLP (Cr1.) No. 10051/2021 and Mr. Mukul Rohatgi and Mr. V. Krishnamurthy, learned senior counsel appearing on behalf of the respondent- State of Tamil Nadu at length.

From the record, it appears that on 17.12.2021, the High Court had dismissed the anticipatory bail application(s) preferred by the petitioner(s) herein. Challenging the said dismissal, the petitioner(s) preferred the present two Special Leave Petitions, being SLP (Cr1.) No. 10003/2021 and SLP (Cr1.) No. 10051/2021, which were numbered on 20.12.2021. Unfortunately, due to the intervening winter vacation of this

Court, the matters could not be taken up despite the best efforts made by the counsel for the petitioner(s). After reopening of this Court on 03.01.2022, the present Special Leave Petitions were listed for the first time before this Court on 06.01.2022. On that date, we were informed by Mr. Dushyant Dave that his client (Mr. K.T. Rajenthralaji) had been taken into custody by the police authorities on 05.01.2022 despite the imminent listing of these Special Leave Petitions before the Court, which fact had been duly informed to the police authorities. He further submitted that a Writ Petition, being W.P. (Cr1.) No. 05/2022, had been filed challenging the arrest. On the above submissions, this Court passed the following order:

"SLP(Cr1.)No.10003/2021

Heard learned senior counsel for the petitioner.

Issue notice.

Dr. Joseph Aristotle S., learned counsel who appears on caveat on behalf of the respondent - State, accepts and waives service of formal notice upon the said respondent.

Counter affidavit be filed by 08.01.2022.

List on 10.01.2022 along with WP @ Provisional Application No.570/2022(D 1003/2022).

Counsel for the petitioner is directed to serve the copy of the petition to the standing counsel for the respondent - State immediately.

SLP(Cr1) No.10051/2021

Heard learned senior counsel for the petitioners.

Issue notice.

Dr. Joseph Aristotle S., learned counsel who appears on caveat on behalf of the respondent -State, accepts and waives service of formal notice upon the said respondent.

Counter affidavit be filed by 08.01.2022.

List on 10.01.2022.

Meanwhile, there shall be stay of arrest of petitioner No.2(N.Baburai), petitioner No.3(V.S.Balaram) and petitioner No.4 (S.K.Muthupandian).

Counsel for the petitioners is directed to serve the copy of the petition to the standing counsel for the respondent - State immediately."

On 10.01.2022, when these matters were taken up, at the request of Mr. Mukul Rohatgi, learned senior counsel appearing on behalf of the respondent - State of Tamil Nadu, two days' time was granted to enable him to produce some extra material to substantiate his arguments and the matter was directed to be listed on 12.01.2022.

When the matter was taken up today for hearing, Mr. Mukul Rohatgi, learned senior counsel appearing on behalf of the respondent - State vehemently opposed the prayer for grant of any interim relief to the petitioner (Mr. K.T. Rajenthralalaji) based on some statements recorded under Sections 161 and 164 Cr.P.C produced by him. He further submitted that this Court should not entertain the present writ petition preferred by the petitioner as he had an alternate efficacious remedy available to him.

On the other hand, Mr. Dushyant Dave, learned senior counsel appearing on behalf of the petitioner (Mr. K.T. Rajemthrabhalaji) submitted that the events surrounding the petitioner's arrest on 05.01.2022 were extremely suspicious. He submitted that after filing of the present Special Leave Petitions, a letter was written by the Advocate-on-Record appearing on behalf of the petitioner to Mr. Manoharan, IPS, Superintendent of Police, Virudhunagar District and Mr. Ganeshdos, Inspector/IO, District Crime Branch, Virudhunagar District regarding the same, and for deference of any coercive

steps till the Special Leave Petitions are considered by this Court. Despite the same, the petitioner was arrested one day before the listing of the Special Leave Petitions before this Court. It was also submitted that, after his arrest, the petitioner was taken 300 Kms. away to Trichy jail from the jurisdiction of the place from where he was arrested. Learned senior counsel further submitted that no summon was ever served on the petitioner to join the investigation and even the premises of the petitioner's local advocate were raided by the police.

Taking into consideration all the above facts, and the guidelines and directions passed by this Court in *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273, which were reiterated recently in *Suo Moto Writ Petition (C) No.1/2020*, we deem it appropriate to grant interim bail to the petitioner (Mr. K.T. Rajenthralalaji) for a period of four weeks from today, subject to the following conditions:

1. The petitioner shall not leave the place of the jurisdictional police station where the alleged offences are registered.
2. The petitioner shall surrender his passport to the concerned Magistrate forthwith.
3. The petitioner shall participate in the investigation and co-operate with the Investigating Agency.
4. Such other terms and conditions which may be imposed by the trial court.

The petitioner is directed to submit necessary papers before the concerned Magistrate/Incharge Magistrate and upon filing of such papers, the concerned Magistrate/Incharge Magistrate shall release the petitioner, as indicated above.

Let a copy of this order be communicated to the concerned Magistrate/In-charge Magistrate as well as Superintendent of Trichy Jail, for forthwith compliance.

List these matters after three weeks.

**(SATISH KUMAR YADAV)
DEPUTY REGISTRAR**

**(R.S. NARAYANAN)
COURT MASTER (NSH)**