



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Thirtieth day of December Two Thousand Fourteen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

CRL OP(MD) No.23729 of 2014

SATISH KUMAR

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, ALANGULAM,
TIRUNELVELI DISTRICT. CR. NO. 658/2014. ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.W.PETER RAMESH KUMAR Advocate

For Respondent : Mrs.S.PRABHA Govt. Advocate (Crl. Side)

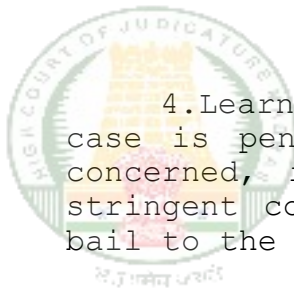
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A.3 apprehends arrest at the hands of the respondent police for the alleged offence punishable under sections 147, 148, 120(b), 302 and 506(ii) IPC read with Section 34 I.P.C. in Crime No.658 of 2014 on the file of the respondent police and seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute and on the date of occurrence, the accused had come to the place of occurrence with spade, woodenlogs, axe and aruval and on the instigation of the first accused, the second accused, namely, Aravindaraj assaulted the deceased with spade on her neck and it is alleged that the petitioner-A.3 assaulted the deceased on her mouth and due to the overt acts alleged to have been committed by the accused, the deceased died.

3. It is seen that the petitioner, who is a practicing Advocate at Tenkasi and Tirunelveli, is a physically disabled person with 80% of permanent physical disability and his right leg and hand are completely impaired and he would walk only with the support of iron rods. According to the petitioner, the first accused is his client and accused 2, 5 and 6 her sons and the petitioner represented their case. While so, when the petitioner appeared before the Police Station on behalf of the first accused and her sons, the defacto complainant and one Yosephu Samuel threatened him not to appear or support the case of first accused. Therefore, the petitioner lodged a complaint and the same has been registered in Crime No.564 of 2014 for offences under Sections 341, 294(b) and 506(ii) I.P.C. and the defacto complainant was arrested and remanded to judicial custody and only in order to wreck vengeance as a counter blast to the incident narrated in the complaint lodged by the petitioner, he has been falsely implicated in this case and he is having nothing to do with any of the offences as alleged by the prosecution.



4.Learned Government Advocate (Crl. Side) submitted that no previous case is pending as against the petitioner and insofar as this case is concerned, investigation is almost completed. She also submitted that stringent condition may be imposed in the event of granting anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the State and also perused the entire materials available on record.

6.Considering the facts and circumstances of the case and also considering the peculiar circumstances as to the permanent disablement of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

7. While so, the learned counsel appearing for the petitioner subsequently prayed that the petitioner may be permitted to execute the sureties before the Court of the Principal District Judge, Tirunelveli, instead of the Court of Judicial Magistrate, Tenkasi, for which, the learned Government Advocate (Criminal Side) has no serious objection.

8.Accordingly, the petitioner/A.3 is ordered to be released on bail in the event of arrest or on his appearance before the learned Principal District Judge, Tirunelveli and on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District Judge, Tirunelveli and on further condition that the petitioner shall appear before the respondent police, daily at 05.00 p.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner is directed to co-operate with the police authorities with enquiry.

9.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petitioner for anticipatory bail stands dismissed.

sd/-
30/12/2014

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE PRINCIPAL DISTRICT JUDGE, TAIRUNELVELI.

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

3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, ALANGULAM, TIRUNELVELI DISTRICT.

+1. CC to M/S.W.PETER RAMESH KUMAR Advocate SR.No.69533.