



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.19581 of 2015

1 TAMIL SELVAN

2 RAJA

..PETITIONERS/ACCUSED

(RANK NOT KNOWN)

P.SARAVANAN

..INTERVENOR

Vs.

STATE REP.BY THE INSEPECTOR OF POLICE

KEERANUR POLICE STATION,

PUDUKOTTAI DISTRICT.

CRIME NO. NOT KNOWN OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S B.MOHAMMED IDRISH Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

For Intervenor : Mr.N.SUDHAGAR NAGARAJ, Advocate

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

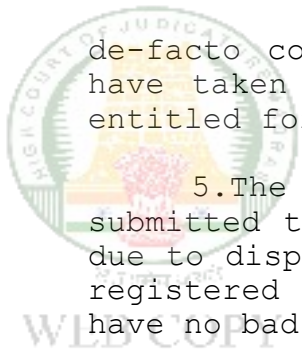
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 341, 323, 406 and 392 (NP) of IPC, in Crime No.226 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused met with a road accident and requested the de-facto complainant to file claim petitions and at that time, they agreed to pay 20% of the award amount and an award in respect of A2 was passed by the Deputy Commissioner of Workmen Compensation for Rs.4,36,613/- and when the de-facto complainant requested the accused to pay his fees, A1 paid only Rs.15,000/-, which was not accepted by the de-facto complainant and as requested by the accused, the de-facto complainant went to the village of the accused, where he was assaulted by the accused and the accused have also taken five case bundles and cash of Rs.1,00,000/- from his vehicle.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely roped in this case. The learned counsel further submitted that the Deputy Commissioner of Workmen Compensation has passed award in favour of A2 and for the case conducted by the de-facto complainant, the accused paid Rs.50,000/-. After receiving the entire fees, the de-facto complainant gave a false complaint against the petitioners with an ulterior motive.

4.Per contra, Mr.N.Sudhagar Nagaraj, learned counsel for the intervenor submitted that totally four claim petitions were filed on behalf of the accused and two other persons and only in one case, an award was passed by the Deputy Commissioner of Workmen Compensation and after receiving the award amount, the accused failed to pay fees to the



de-facto complainant and he was also assaulted by the accused and they have taken the case bundles and also cash and therefore, they are not entitled for indulgence of this court.

5.The learned Government Advocate (Criminal side) for the respondent submitted that the accused are injured claimants in an accident case and due to dispute between the accused and their Advocate, this complaint was registered against them. It is further submitted that the petitioners have no bad antecedents.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Pudukottai and on each of them 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 Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 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 petition for anticipatory bail stands dismissed.

sd/-
28/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, PUDUKOTTAI.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI.

3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSEPECTOR OF POLICE, KEERANUR POLICE STATION,
PUDUKOTTAI DISTRICT.

+1. CC to M/S N.SUDHAGAR NAGARAJ, Advocate SR.No.63552

+1cc to M/s.B.MOHAMMED IDRISH Advocate in SR.No.63359

ORDER IN
CRL OP(MD) No.19581 of 2015
Date :28/10/2015

PBK/SK-SKN/SAR-I 30/10/2015 ::2P-7C::