



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

Thursday, the Eighth day of January Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.23721 of 2014

S.SHANMUGANATHAN

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
CR. NO. 528/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.VEERAKATHIRAVAN, FOR M/S.R.MURUGAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.M.SUBASH BABU, Advocate

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

ORDER : The Court Made the following order :-

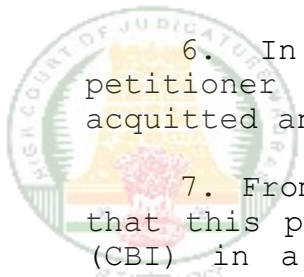
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 307 IPC in Crime No.528 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the Mr.Veera Kathiravan, learned counsel for the petitioner, Mr.M.Subash Babu, learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. It is seen that this petitioner is an Advocate and the defacto complainant is also an Advocate and that both of them are practising in Ramanathapuram District. Allegation of the defacto complainant is that this petitioner had spoken ill about his senior by name Mr.Kathiravan and when the defacto complainant questioned him, this petitioner is alleged to have assaulted him with an iron rod.

4. Mr.Veera Kathiravan, learned counsel appearing for the petitioner submitted that this is a case and counter in which this petitioner has also lodged a complaint against Mr.Kathiravan, Advocate and Police have registered a case in Crime No.529 of 2014. He further submitted that since the injured has been discharged from hospital, there may not be necessary for custodial interrogation of the petitioner and that the petitioner should be given an opportunity to turn into a new leaf.

5. Per contra, Mr.Subash Babu, learned counsel for the Intervenor very strongly objected to the grant of anticipatory bail to this petitioner by contending that this is not a simple case of assault, but a calculated attack on another member of the Bar in the Bar Room itself. He also drew notice that the petitioner is having about 16 cases to his credit and is under Police watch for illegal activities.



6. In response, Mr.Veera Kathiravan, learned counsel for the petitioner submitted that in most of the cases, the petitioner has been acquitted and some cases have been closed as "Mistake of Fact".

7. From the records produced by the defacto complainant, it appears that this petitioner was arrested by the Central Bureau of Investigation (CBI) in a land scam, remanded to custody and was released on bail. Therefore, Mr.Subash Babu, learned counsel for the Intervenor submitted that incarceration is not new to the petitioner and the possibilities of he reforming appear to be bleak. The Ramanad Bar Association had taken up this matter very seriously and even passed a resolution on 22.12.2014 urging the Police to immediately arrest the petitioner and they have also expelled him from the Membership of the Bar.

8. Mr.Veera Kathiravan, learned counsel for the petitioner submitted that the resolution of the Bar Association has been engineered by Mr.Kathiravan, Advocate, who is the Treasurer of the Association.

9. It is indeed sad to note that the Bar room has become a battle room and the learned members have allowed a sacred place to be used as an arena of violence.

10. Taking into consideration the nature of allegation against the petitioner and his previous antecedents, this Court is not inclined to grant anticipatory bail to this petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-
08/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.MURUGAN Advocate SR.No. 788
+1cc to MR.M.SUBASH BABU, ADVOCATE IN SR : 1123

SR : 13.01.2015 : 2P/5C

ORDER
IN
CRL OP(MD) No.23721 of 2014
Date :08/01/2015