



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

Friday, the Twenty Seventh day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.3573 of 2015

1 VENKALAPANDIAN
2 SRIDHARAN

... PETITIONER/ACCUSED NO.1 & 2

Vs

THE SUB INSPECTOR OF POLICE
GANGAI KONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.38/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JEYAKARTHIK Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 307 and 506(ii) of Indian Penal Code, in Crime No.38 of 2015 on the file of the respondent police, seek anticipatory bail.

2. On 23.03.2015, this Court passed the following order:

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 307 and 506(ii) I.P.C. in Crime No.38 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side).

3. The de-facto complainant in this case is one Uikkattan. According to the de-facto complainant, he was in love with Patturani, the daughter of Venkalapandian, the first petitioner herein and he had married her last year, which was objected to by Venkalapandian and his brother Sridharan. On their intervention, the girl was separated from the de-facto complainant and they had married Patturani to some one else. The de-facto complainant had alleged that Venkalapandi and his brother Sridharan were nurturing grievance against the de-facto complainant and on 13.02.2015, when the de-facto complainant had gone for attending nature's call, both the petitioners accosted him. Sridharan, the 2nd petitioner attacked the de-facto complainant with knife. The first petitioner attacked him with stick. The de-facto complainant sustained three serious injuries. Since, the allegations against the 2nd petitioner is indeed very serious, this Court is not inclined to grant anticipatory bail to the 2nd



petitioner. As regards the first petitioner, admittedly he is physically challenged and having only stick.

4. The learned Government Advocate (Crl. Side) submits that the victim is still in the hospital. Hence, adjourned this matter by 27.03.2015."

3. Today, the learned Government Advocate (Criminal side) submitted that the injured has been discharged from the hospital.

4. Though the injured is discharged from the hospital, the allegations against Sridharan, the second petitioner herein are indeed very serious and, therefore, this Court is not inclined to grant anticipatory bail to the second petitioner. As regards the first petitioner-Venkalapandian, it is admitted that he is physically handicapped and he had attacked the injured with stick.

5. Under such circumstances, this Court is inclined to grant anticipatory bail to the first petitioner. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the first petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the first petitioner shall report before the respondent police daily at 06.30 p.m., for a period of two weeks and thereafter, as and when required for interrogation.

[b] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the first petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the first petitioner is complying with the order or not.

6. Insofar as the second petitioner-Sridharan is concerned, the petition seeking anticipatory bail stands dismissed.

sd/-
27/03/2015

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Sub-Assistant Registrar (C.S.)



TO

1. THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE SUB INSPECTOR OF POLICE
GANGAIKONDAN POLICE STATION, TIRUNELVELI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JEYAKARTHIK, Advocate SR.No. 15118

SR : 30.03.2015 : 3P/6C

ORDER

IN

CRL OP(MD) No.3573 of 2015

Date :27/03/2015