



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

Wednesday, the Eighteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4811 of 2015

1 SAJIKUMAR

2 JOHNSON

... PETITIONER(S) / ACCUSED 1 & 2

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
PALAKARAI POLICE STATION,
TRICHY. (CRIME NO. 123/2015)

... RESPONDENT/ COMPLAINANT

T.JEGAN

...INTERVENOR

For Petitioner : M/S.B.JAMEEL ARASU Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)

For Intervenor : M/S. A.THIRUVADIKUMAR Advocate

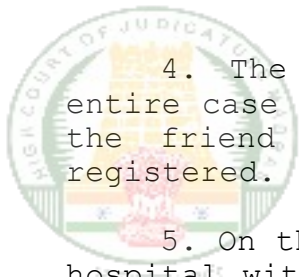
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) of I.P.C in Crime No.123 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the defacto complainant and the learned Government Advocate(Crl. Side) for the State.

3. It is the case of the prosecution that the first petitioner Sajikumar is the husband of one Jesintha Rani and there is matrimonial dispute between them. The said Jesintha Rani has been consulting an Advocate in whose office one Jeyashri is working as Advocate Clerk. It is seen that on 08.03.2015, the said Jeyashri has lodged a complaint before the respondent police alleging that the petitioners along with other accused misbehaved with her in public and had pulled her D ouppatah. In this regard, a case in Crime No.121 of 2015 has been registered for offence under Section 4 of Harassment of Women Act, against both the petitioners and another person by name Sadham. It is stated that the said Sadham has been arrested by the police on the next day i.e., on 09.03.2015. The defacto complainant in this case by name Jegan was assaulted by these petitioners on the premise that he had gone and informed Jeyashri's husband about the incident that took place on the previous day.



4. The learned counsel for the petitioners would submit that the entire case is a foisted case inasmuch as the defacto complainant Jegan is the friend of Jeyashri and at her instigation, this case has been registered.

5. On the contrary, it is seen that the said Jegan was admitted in the hospital with injuries in his nose and police have recorded his statement while he was taking treatment in the hospital.

6. The learned counsel for the petitioners would submit that the injured has been discharged from the hospital.

7. The learned counsel for the defacto complainant submits that this is not an isolated case. This is the contention of the previous day incident, where the petitioners had misbehaved with Jeyashri.

8. The learned counsel for the petitioners submits that the said Jeyashri is the clerk of an Advocate and therefore, both the cases have been foisted against the petitioners.

9. I am unable to accept the arguments advanced by the learned counsel for the petitioners, because of the nature of injuries sustained by the defacto complainant and that he had given his statement while he was taking treatment in the hospital.

10. Taking into consideration the serious nature of offence against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. However, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the second petitioner.

11. Accordingly, the second 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.II, Trichy, on condition that the second 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 second 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

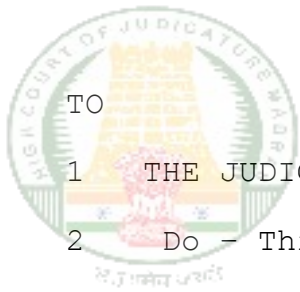
[c] the second petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the second 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 compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioner is complying with the order or not.

sd/-

18/03/2015



TO

1 THE JUDICIAL MAGISTRATE, NO.II, TRICHY.

2 Do - Through THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

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

4 THE INSPECTOR OF POLICE , PALAKARAI POLICE STATION,
TRICHY.

+1. CC TO M/S.B.JAMEEL ARASU ADVOCATE SR.NO.12958.

+1CC TO MR.A.THIRUVADI KUMAR, ADVOCATE IN SR : 12938

TS/20.03.2015/2P-7C

ORDER

IN

CRL OP(MD) No.4811 of 2015

Date :18/03/2015