



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

Thursday, the Tenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10498 of 2017

R.SUDAKAR

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.372/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.JEYAKUMARAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

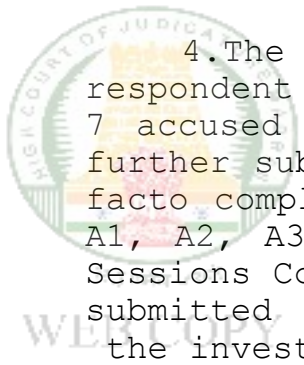
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 323, 324, 506(ii), 379(NP) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.372 of 2015 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the de facto complainant and the accused herein. A1, A2 and A3 are said to have attacked the father of the de facto complainant with aruval and also caused injuries to the de facto complainant. A2 is said to have snatched the 4 sovereigns chain from the de facto complainant and the present petitioner is said to have snatched the 1 sovereign thali chain from the de facto complainant's wife.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case. He further submitted that the de facto complainant obtained the settlement deed from his father without getting consent from the accused persons. Regarding that, a suit in O.S.No.124 of 2015 was filed before the District Munsif Court, Valliyoor and the same is pending and another suit in O.S.No.107 of 2015 was also filed on the same Court and it is also pending. A1, A2, A6 and A7 are the defendants in the suit. The petitioner is a practicing Advocate in Judicial Magistrate Court, Valliyoor and he was representing on behalf of the defendants in both suits. Hence he was implicated in this case and he is no way connected with the occurrence.



4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 7 accused in this case and the petitioner is arrayed as A4. He further submitted that A1, A2, A6 and A7 are the brothers of the de facto complainant A3 is the wife of the A2. He also submitted that A1, A2, A3, A6 and A7 were granted anticipatory bail by concerned Sessions Court and A5 was arrested and he is in custody. He further submitted the injured have been discharged from the hospital and the investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that A1, A2, A3, A6 and A7 were granted anticipatory bail by concerned Sessions Court and A5 was arrested and he is in custody and also petitioner is a practicing Advocate and injured have been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Valliyoor on condition that the 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[c]the 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 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).

sd/-
10/08/2017

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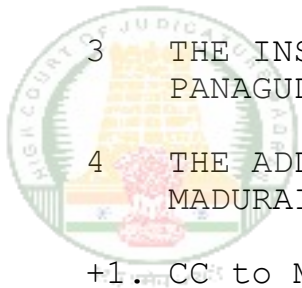
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.



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

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

+1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.28628

WEB COPY

ORDER

IN

CRL OP(MD) No.10498 of 2017

Date :10/08/2017

MKV-CM-MSA-SAR 3/16.8.2017/3P-6C