



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

Wednesday, the Sixth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11731 of 2017

1 A.ARUL PRABHAKARAN
2 DR.S.ANANTHA BABU
DR.S.CHANDRASEKARAN

... PETITIONER / ACCUSED NO.1&2
... PETITIONER / INTERVENER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI CITY,
CRIME NO.646/2017 ... RESPONDENT / COMPLAINANT

For Petitioners: M/S.T.A.EBENEZER Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

For Intervener : MR.P.KAATHAN RAJKUMAR for MR.T.R.JEYAPALAM Advocate

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

ORDER : The Court Made the following order :-

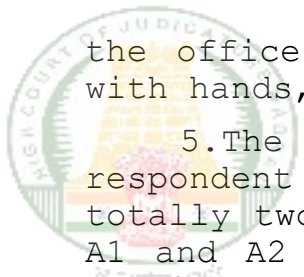
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 448, 294 (b), 323, 353, 506(i) of IPC on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are working as Professors in St.John's College of Education, at Palayamkottai, which is run by CSI Tirunelveli and the De-facto complainant is the Principal of the said College and due to some dispute in preparation of the time table, the accused are said to have entered into the office of the Principal and attacked with hands and kicked him.

3.The learned counsel for the petitioners submitted that there was a management dispute prevailing in the management of CSI, Tirunelveli and the def-acto complainant are supporting opposite groups and this false complaint has been preferred by the Principal of the College. He further submitted that the de-facto complainant abused the petitioners in front of the students in the classroom and the petitioners are innocent and they have not committed any offence as alleged in the prosecution.

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

4.The learned counsel for the intervenor stated there is some evidence to show that the petitioners are said to have entered into



the office of the de-facto complainant and attacked the Principal with hands, which were recorded in the CC.TV camera.

5.The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that there are totally two accused in this case and the petitioners are arrayed as A1 and A2 and the injured was treated as out patient. He further submitted that investigation is still pending.

6.Considering the facts and circumstances of the case and also taking note of the fact that the charge sheet was laid against the petitioners herein and the injured treated as out patient and the petitioners are working as a professors and the de-facto complainant is the Principal of the College, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are 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 No.I Tirunelveli on condition that the petitioners 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 petitioners shall report before the respondent Police every Monday at 10.30 a.m. until further orders.

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

[c]the petitioners 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 petitioners 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/-

06/09/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.A.EBENEZER Advocate SR.No.30206

ORDER IN

CRL OP(MD) No.11731 of 2017

Date :06/09/2017