



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

Friday, the Seventeenth day of February Two Thousand Seventeen

PRESENT

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

CRL OP (MD) No.297 of 2017

NAGARAJAN,

... PETITIONER/1st ACCUSED

Vs

THE SUB INSPECTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION,
TUTICORIN,
(IN CRIME.NO.1422 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.C.RATHINAVEL PANDIAN Advocate

For Respondent : M/S.P.KANDASMAY
Govt. Advocate (Crl. Side)

For Intervener : MR.D.SRINIVASA RAGHAVAN
Alldrin Airmarshall

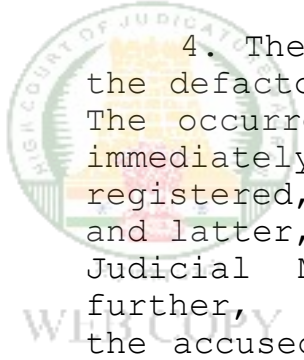
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The Petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 506(ii) and 109 of IPC., in Crime No.1422 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that on 30.11.2016 at about 11.15 Hrs, while the defacto complainant, who is also a practicing Advocate, was trying to enter into the Court Hall, he was way laid by the petitioner herein and used filthy language and tried to attack the defacto complainant and also made a threat with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are practicing Advocates in the same premises. He would further submit that on the date of occurrence, the petitioner while crossing the defacto complainant had by mistake touched the body of the defacto complainant and the petitioner also made his apology, but the defacto complainant made quarrel with the petitioner. He would further submit that the petitioner undertakes to abide by any condition that may be imposed upon him.

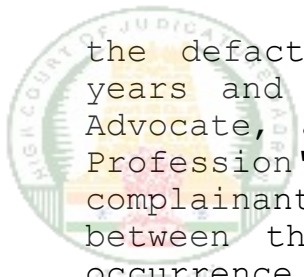


4. The learned counsel appearing for the intervener states that the defacto complainant is a practicing Lawyer, aged about 74 years. The occurrence took place on 30.11.2016 and when it was reported immediately to the respondent Police on 31.11.2016, the case was not registered, but CSR.No.808 of 2016 alone was given to the intervener and latter, the case was registered, as per the order of the learned Judicial Magistrate, Tuticorin, dated 28.12.2016. Continuing further, the learned counsel for the intervener would submit that the accused herein is so powerful in the Police Department, as his brother is working as Inspector of Police at Tirunelveli and with his help, the respondent Police registered the case belatedly. The accused is also having five previous case in different stations at Tuticorin viz., Crime No.444 of 2012, for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC., on the file of Central Police Station, Crime No.316 of 2013, for the offence under Sections 355, 332 and 506(ii) of IPC., on the file of South Police Station; Crime No.419 of 2016, for the offence under Sections 448, 294(b), 323, 427, 379 and 506(ii) of IPC., on the file of Central Police Station and Crime No.806 of 2016, for the offence under Section 147, 148 and 285 of IPC., on the file of South Police Station. He would further submit that the alleged incident took place on 30.11.2016 at about 11.15 a.m., was an outbreak of the dismissal of anticipatory bail filed by the 2nd accused in the present crime number, who involved in a heinous crime of stabbing a fellow Advocate, practicing in District Court, Thoothukudi, on 20.10.2016, which was registered as Crime No.1193 of 2016 for the offence under Sections 147, 148, 294 (b), 323, 307 and 506(ii) of IPC., and A1 herein is the close associate of A2 and at his instigation, A2 has committed the offence against the intervener herein and if the accused is granted anticipatory bail, then, it will give raise to fear psychosis among other Advocates, who really want to uphold the Rule of Law and the defacto complainant is having a life threat in the hands of the petitioner / accused herein, for which, he gave a complaint through the learned Principal District and Sessions Judge, Thoothukudi on 30.11.2016 and therefore, he prays for dismissal of anticipatory bail application.

5. The learned Government Advocate (crl.side) appearing for the respondent states that there are totally two accused in this case and the petitioner herein is A1, who is a practicing Advocate at Thoothukudi Bar Association and A2, who is an Advocate and also the then Members of the Bar Council of Tamil Nadu and Pondicherry and he is also absconding.

6. I have heard the learned counsel appearing for the petitioner/accused, the learned counsel appearing for the intervener/defacto complainant and also the learned Government Advocate (crl.side) appearing for the respondent/State. I have also perused the materials available on record.

7. It is surprised to note that the learned Government Advocate (crl.side) appearing for the respondent has not stated about the antecedents of A1 regarding his previous cases registered in different Police Stations at Tuticorin. It is also admitted that



the defacto complainant is a practicing Advocate, aged about 74 years and the present petitioner / accused is also a practicing Advocate, aged about 42 years. Advocate profession is a 'Noble Profession' but, here in this case, the accused and the defacto complainant are the practicing Advocates and due to misunderstanding between the petitioner and the defacto complainant, the alleged occurrence took place in the Court premises, at the instigation of A2.

WEB COPY

8. Considering the above facts and circumstances and also the alleged life threat of the defacto complainant, who is aged about 74 years, practicing Advocate in Tuticorin, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Tuticorin, 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 the petitioner shall stay at Kulithurai and sign before the learned Judicial Magistrate No.1, Kutlithurai, daily at 10.30 a.m., until further orders, in order to avoid further conflicts between them. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

10. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
17/02/2017

/ TRUE COPY /

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

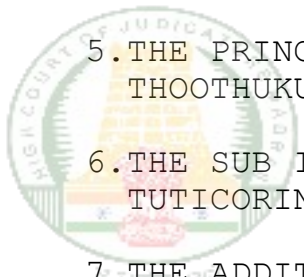
TO

1.THE JUDICIAL MAGISTRATE NO.1
TUTICORIN.

2.THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3.THE JUDICIAL MAGISTRATE NO.1
KULITHURAI.

4.THE DISTRICT COURT,



5. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE ,
THOOTHUKUDI.

6. THE SUB INSPECTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION, TUTICORIN,

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

+1. CC to M/S.J.C.RATHINAVEL PANDIAN Advocate SR.No.8808

MPK

AE/CM MSA/SAR1/20.02.2017/4P/9C

ORDER

IN

CRL OP (MD) No.297 of 2017

Date :17/02/2017