



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P(MD)No.2510 of 2018

Maheswaran ... Petitioner/De-facto complainant
Vs.

1.The Inspector of Police,
Keeranur Police Station,
Pudukottai District. ... Respondent/Complainant

2.Ranjithkumar

3.Ravisankar @ Ravikumar

4.Ranjith @ Ramesh

5.Veerapandi

6.Veeramani

7.Viknesh

8.Jeyapandi

9.Rengaraj ... Respondents/Accused Nos.1 to 8

PRAYER: Criminal Original Petition is filed under Section 439 (2) of the Code of Criminal Procedure, praying to cancel the the anticipatory bail order granted in Crl.M.P.No.340 of 2018, dated 07.02.2018 on the file of the Principal Sessions Judge, Pudukkottai.

For Petitioner : Mr.J.Sanjey Vignesh

For R-1 : Mr.A.Robinson

Government Advocate (Crl.Side)

For R-2 to R9 : Mr.B.Jameel Arasu

O R D E R

This petition has been filed by the petitioner/defacto complainant, to cancel the anticipatory bail order granted in Crl.M.P.No.340 of 2018, dated 07.02.2018 on the file of the Principal Sessions Court, Pudukkottai.



2. Heard both sides.

3. Upon considering the arguments advanced by the learned counsel appearing on either side, the petitioner herein is the defacto complainant and the first respondent police registered a complaint in Crime No.15 of 2018. Initially, the case has been registered for the offences punishable under Sections 147, 148, 294 (b), 323, 324 and 307 IPC. After registration of the case, the respondents 2 to 9/Accused Nos.1 to 8 filed an application under Section 438 of Cr.P.C., in which, they are seeking relief of anticipatory bail.

4. The learned Principal Sessions Judge, Pudukkottai, after considering the rival submissions made by the learned counsel appearing on either side, granted anticipatory bail in favour of the respondents 2 to 9/Accused Nos. 1 to 8 on 07.02.2018.

5. Aggrieved over the same, the defacto complainant has filed this application to cancel the anticipatory bail granted in favour of the respondents 2 to 9/Accused Nos.1 to 8.

6. Now, today, the learned counsel appearing for the petitioner made a submission as when the case came up for hearing before the learned Principal Sessions Court, the learned Public Prosecutor attached to the Pudukkottai District Court, made a false representation as the injured in this case are all discharged from the hospital after completing the treatment. Further, he submitted that as on today, four injured are still in the hospital and the respondents 2 to 9 are threatening the petitioner/defacto complainant for lodging the complaint pertaining to this case.

7. The learned Government Advocate (Criminal Side) agreed to the said submissions.

8. Now, on going through the order passed by the learned Principal Sessions Judge, Pudukkottai District, it is seen that the learned Public Prosecutor has not raised any serious objection.

9. In this occasion, it is necessary to extract the judgment of our Hon'ble Supreme Court reported in 2012 (1) SCC 40 [*Sharad Kumar and others v. Central Bureau of Investigation*], in which, our Hon'ble Apex Court has held that the following factors are to be seen before granting bail :-

"(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.



(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge (Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas)"

10. Now, considering the above factors the Principal Sessions Judge, Pudukkottai District has granted anticipatory bail to the respondents 2 to 9. With regard to the submission made by the learned counsel appearing for the petitioner that other respondents in this case are tried to tamper the witnesses, no document has been produced to prove the same. Further, the learned counsel for the petitioner himself admitted that no complaint has been lodged by the de-facto complainant with regard to tampering the witness. Moreover, on go through the offence registered by the first respondent police, custodial interrogation may not be necessary for completing the investigation.

11. Accordingly, this Court comes to the conclusion that the order passed by the learned Principal Sessions Judge, Pudukkottai District, does not warrant any interference to cancel the the anticipatory bail order granted in Crl.M.P.No.340 of 2018, dated 07.02.2018. Hence, this petition is dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Principal Sessions Judge, Pudukkottai District.

2.The Inspector of Police, Keeranur Police Station,
Pudukkottai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.J.Sanjay Vignesh, Advocate, SR.No.53796

ls

RL/5C/3P/JC/SAR1/2/4/2018

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