



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.888 of 2018

1 KARUNANITHY
2 ADAIKALA PANDI

... PETITIONERS/ACCUSED NO.1&2

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 16/2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.A.ROBINSON Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No1 & 2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 353, 506(i) of IPC r/w 129, r/w 177 of M.V.Act and 21, [25] r/w 177 of M.V.Act, in Crime No.16 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 15.01.2018, when the defacto complainant, who is the Special Sub Inspector of Police in the respondent police station was conducting usual vehicle check up, it was found that the 1st petitioner along with the 2nd petitioner drove his two wheeler without wearing helmet and when the same was questioned, a wordy altercation arose between the petitioners and defacto complainant. Hence, the complaint has been lodged against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The 1st petitioner is a practicing advocate in Paramakudi Court and he is also the Secretary of the above Advocate Bar Association. The 2nd respondent is his junior.



4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. Due to the wordy quarrel between the defacto complainant and the petitioners, the alleged FIR has been registered. In the offences registered against the petitioner except 506(i) of IPC all other offences are bailable in nature. Further, the first petitioner being the Secretary of the Bar Association, Paramakudi, there is no chance for absconding.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary for these type of cases. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the Judicial Magistrate, daily at 10.00 a.m. until further orders;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

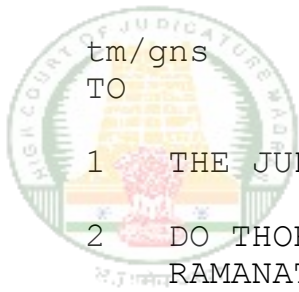
(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

22/01/2018

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



tm/gns

TO

1 THE JUDICIAL MAGISTRATE, PARAMADUDI
2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.1200

GJM/CSL/RR/SAR-2-29.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.888 of 2018

Date :22/01/2018