



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5356 of 2019

CHINNACHAMY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT.
(CRIME NO.178 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.POORNACHANDRAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

For Intervener : Mr.S.M.A.JINNAH, Advocate

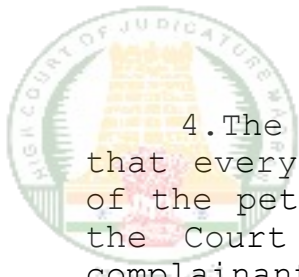
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and Section 50(i) of IPC, registered in Crime No.178 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a practicing advocate. In the open Court premises, the petitioner/plaintiff was cross examined by the defacto complainant/advocate. While cross examination, the petitioner get annoyed against the defacto complainant. After cross examination, the petitioner threatened the defacto complainant, for which, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the learned counsel appearing for the petitioner submitted that the defacto complainant is a practicing advocate and there is no evidence available as if the petitioner threatened the defacto complainant. Accordingly, he plays for anticipatory bail.



4.The learned counsel appearing for the intervenor submitted that everything is recorded in the CCTV footage. In fact, the act of the petitioner/plaintiff was noticed by the presiding officer of the Court in the open Court premises and directed the defacto complainant/advocate to give a complaint before the Law Enforcing Agency for taking appropriate action against the petitioner/plaintiff, for which, the Law Enforcing Agency, after verifying the matter and perusing the CCTV footage, registered a case against the petitioner.

5.The learned Additional Public Prosecutor for the respondent police submitted that after perusing the CCTV footage, the case was registered against the petitioner. A1 was arrested. Till, A2 is not yet secured by the police. If this Court grants anticipatory bail to the petitioner, there is no safety to the defacto complainant/advocate to attend his profession with a free and fair manner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstance of the case, considering the nature of the offence committed by the petitioner and taking note of the fact that the petitioner threatened the defacto complainant/advocate in the open Court premises, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this criminal original petition is dismissed.

sd/-
16/04/2019

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT.

2 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to Mr.S.POORNACHANDRAN Advocate SR.No.6981

PS/JC/SAR-2/24.04.2019/2P/4C

ORDER
IN
CRL OP (MD) No.5356 of 2019
Date :16/04/2019