



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

Tuesday, the Eighth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.22898 & 22922 of 2018

VIVEK @ P.RAMACHANDRAN

... PETITIONER / ACCUSED NO.3
IN CRL OP(MD) No.22898 of 2018

P.DEEPAN SAKKARAVARTHI

... PETITIONER / ACCUSED NO.4
IN CRL OP(MD) No.22922 of 2018

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PALANICHETTIYAPATTI POLICE STATION,
CRIME NO.742/2018.
THENI DISTRICT.

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : MR.R.RAJAMOHAN, Advocate
IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
IN BOTH THE PETITIONS

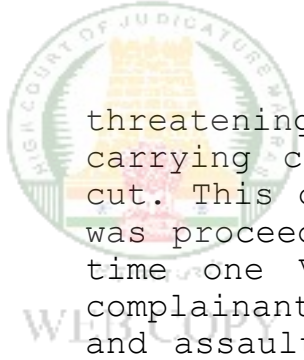
For Intervenor : M/S.W.PAMELIN, Advocate
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323,342 and 506(ii) of IPC in Cr.No.742 of 2018 seek anticipatory bail.

2. The case of the prosecution is that on 23.12.2018 at about 23.30 hrs the respondent police received information from the Theni Government Hospital visited the hospital enquired the defacto complainant, recorded the statement stating that he has earlier given complaint on 21.12.2018 against one Deepan Chakravarthi for



threatening him over phone and for demanding money from him for carrying cable TV business, otherwise cable tv would be randomly cut. This complaint was registered in CSR No. 750 of 2018. When he was proceeding in his two wheeler to buy chicken, at that point of time one Veeramani and Manoj Kumar had questioned the defacto complainant why he has given complaint against Deepan Chakravarti and assaulted him with iron rod. The defacto complainant sustained injuries in various parts of the body. Hence a complaint came to be registered.

3. The learned counsel for the petitioners would submit that the petitioner and the defacto complainant belong to different political parties and due to business rivalry a false case has been foisted against the petitioners. He would also submit that injured has been discharged from the hospital.

4. The learned counsel for the intervenor would submit that the defacto complainant sustained multiple injuries over his body . He would also submit that the defacto complainant is taking treatment NRT Hospital, Theni and he opposed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the case has been altered to offences under Section 324 and 326 of IPC and that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the fact that the injured has been discharged from the hospital ,this Court inclined to grant anticipatory bail to the petitioners.

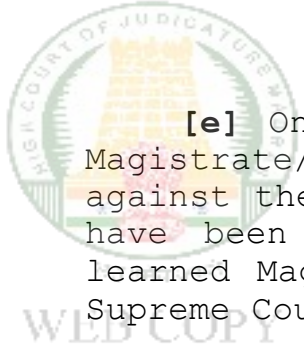
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Theni on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioners shall not abscond either during investigation or trial.



[e] 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
 - 3 THE INSPECTOR OF POLICE,
PALANICHETTIYAPATTI POLICE STATION,
THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.W.PAMELIN, Advocate SR.No. 568

ORDER
IN
CRL OP (MD) Nos.22898 &
22922 of 2018
Date :08/01/2019

JM/PN/SAR 3/21.01.2019/3P/6C