



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

Date : 20/12/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19124 of 2019

1.Santhi Ganesh @ Shanthisankar
2.M.Samidurai

... Petitioners/Accused No.1 and
Rank Not Known

Vs

1.The Assistant Superintendent Of Police,
Cheranmahadevi Division,
Tirunelveli District.

2.The Inspector of Police,
Pathamadai Police Station,
Tirunelveli District.
Crime No.153/2019

...Respondents 1 and 2/
Complainants

3.Prabakaran

...3rd Respondent/Defacto
Complainant

4.Kannan

5.Mahesh

... Respondents 4 and 5/Victims

For Petitioners : M/s. S.R.A.Ramachandhran,
Advocate.

For R1 and R2 : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

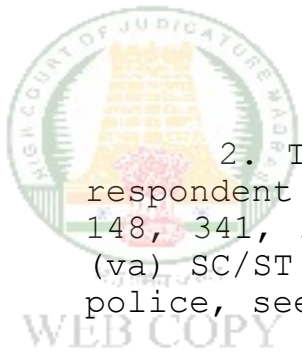
PRAYER :-

For Anticipatory Bail in Cr.No.153 of 2019 on the file of the
respondent.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 341, 294(b), 307, 506(ii) of I.P.C., and 3(1)(r), 3(1)(s), 3(2)(va) SC/ST Act in Crime No.153 of 2019 on the file of the respondent police, seek anticipatory bail.

3. The defacto complainant one Prabakaran is said to be a lorry driver. He has alleged that, on 19.11.2019 at about 10.15 hours, the persons named in the First Information Report intercepted them and also brutally attacked them. The injured persons took treatment in the hospital for about 5 days. The first petitioner herein has been named as first accused. The second petitioner is not named in the First Information Report.

4. The learned counsel for the petitioners pointed out that the information was not lodged immediately after the occurrence. The defacto complainant had informed the community elders and thereafter gave the First Information Report. It appears that the first petitioner herein is figuring as an accused in a communal case registered last year. He is said to have uploaded some offending pictures in tik tok. The submission of the learned counsel for the petitioners is that this is the motive for the community elders of the other group in falsely implicating him. He would also claim that the first petitioner is a stroke patient and that he cannot move without the help of others. As regards the second petitioner, he was not in the spot. Therefore, there is a possibility that the second petitioner has been falsely implicated and the offences against the second petitioner is not attracted. The role of the second petitioner came to light only based on the confession of the other accused. Therefore, I am inclined to grant anticipatory bail to the second petitioner.

5. Even though, serious contentions were advanced as regards the medical condition of the first petitioner, there are no sufficient materials. The defacto complainant is specifically named as the first accused in the First Information Report. Therefore, I am not inclined to grant anticipatory bail to the first petitioner and this Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

6. In the view of the above, I am inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned II Additional District and Sessions Judge, (PCR Court), Tirunelveli, and on his executing 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 learned Magistrate concerned and on further condition that the second petitioner shall appear before the

<https://hosepccrmds.judg.in/hosepccrmds>



petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

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

sd/-
20/12/2019

/ TRUE COPY /

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

TO

- 1.THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(PCR COURT), TIRUNELVELI.
- 2.THE ASSISTANT SUPERINTENDENT OF POLICE,
CHERANMAHADEVI DIVISION,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. S.R.A.RAMACHANDHRAN Advocate SR.No.22361

ORDER
IN
CRL OP(MD) No.19124 of 2019
Date :20/12/2019

pnn
TK/VR/SAR.1/03.01.2020/3P/6C