



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

Date : 22/01/2020

PRESENT

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

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CRL OP(MD). No.907 of 2020

1. R.M.Senthil Kumar,
2. R.M.Karuppaiah,
3. S.P.Balasubramanian,
4. T.Palanisamy @ Ganesan,
5. K.S.Chandran, ... Petitioners/Accused Nos. 1 to 5
Vs

State rep.by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
(In Crime No.15/2020). ... Respondent/Complainant

For Petitioners : M/s.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.K.Balasundaram, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 15/2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences under sections 120(b), 346 and
365 of I.P.C., in Crime No.15 of 2020 on the file of the respondent
police, seek anticipatory bail.

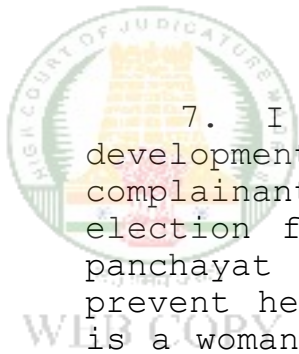


3. The defacto complainant in this case is one Jeyam. She is the Ward Councillor of Annavasal panchayat union. On 11.01.2020 election for the post of Chairman and Vice Chairman was to take place. The defacto complainant states that she entered the panchayat union office at around 10.00 a.m. for taking part in the polling process. She was accompanied by her husband. But the husband was stopped at the entrance itself. The petitioner alone was allowed to step into the polling place. The defacto complainant claims that when she entered somebody tapped on her shoulder and thereafter she felt dizzy. She was later escorted out of the polling place and led into the vehicle belonging to the second petitioner/Karuppaiah. The defacto complainant claims that the petitioners 1 and 2 took her to hospital where she was given some initial treatment. She was thereafter referred to Government Hospital. According to the defacto complainant, she was not taken to any such Government hospital and that she was taken from one place to another in the car belonging to the second petitioner. At one point, the defacto complainant was shifted from one car to another. Even though the defacto complainant wanted to get in touch with her husband and daughter-in-law, she was not allowed to do so. At around 4.20 p.m., a telephonic call came to the effect that their group lost the elections and that tension was prevailing. Thereafter, the petitioner was dropped on at one Kattiyavayal bus stop. The petitioner then contacted her family members.

4. The petitioner's counsel would point out that even though according to the defacto complainant the occurrence had taken on 11.01.2020. But the FIR was registered on 13.01.2020 at about 05.00 p.m. He would contend that the very registration of the FIR has a political angle. He also alleged that the defacto complainant met the chairman in the morning and the complaint was given in the evening.

5. The learned counsel appearing for the defacto complainant strongly rebutted this imputation that the complaint was given at the instance of the petitioner's political rivals. He points out that the defacto complainant's son Meenakshisundaram lodged a complaint very soon after occurrence before the Inspector of Police, Annavasal Police Station. In fact receipt bearing No.12 of 2020 was issued by the Sub Inspector of Police to Meenakshisundaram. In the said complaint Chandran, Karuppaiah and Senthilkumar had been shown as counter petitioners. The learned counsel for the intervener states that the complainant contacted her party higher officials and since talks were going on, the defacto complainant lodged a formal complaint on 13.01.2020.

6. Thus the delay in registration of the FIR has been adequately explained.



7. I have to necessarily take a serious note of these developments. We are a functioning democracy. The defacto complainant being a ward councillor was entitled to take part in the election for the post of Chairman and Vice Chairman of Annavasal panchayat union. It is seen that she had been abducted so as to prevent her from exercising her franchise. The defacto complainant is a woman. It is not only a crime against woman but also a crime against democracy. But then the entire exercise was orchestrated by the fifth petitioner/Chandran. The vehicle of the second petitioner/Karuppaiah was involved. The first petitioner/Senthil Kumar has also played a major role. But no serious allegations has been made against the third and fourth petitioners. Therefore, even while dismissing the petition for anticipatory bail as regards the petitioners 1, 2 and 5, anticipatory bail is granted for the petitioners 3 and 4.

8. In view of the above, I am inclined to grant anticipatory bail to the petitioners 3 and 4 with certain conditions. Accordingly, the petitioners 3 and 4 are ordered to be released on bail in the event of arrest or on their appearance before the learned District Munsif cum Judicial Magistrate, Illupur, Pudukkottai District, and on their executing 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 Court concerned and on further condition that the petitioners 3 and 4 shall appear before the respondent police as and when required for interrogation. The petitioners 3 and 4 shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

9. The petitioners 3 and 4 shall appear before the concerned Court 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/-
22/01/2020

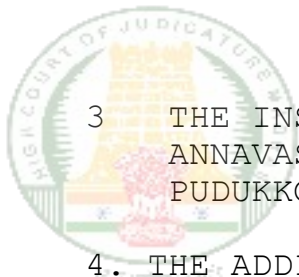
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR PUDUKKOTTAI DISTRICT

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.



3 THE INSPECTOR OF POLICE
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate
(SR-1149[I] dated 22/01/2020)

+1 CC to M/s.K.BAALASUNDHARAM, Advocate
(SR-1138[I] dated 22/01/2020)

ORDER

IN

CRL OP(MD) No.907 of 2020

Date :22/01/2020

ias

ES/VR/SAR 4/28.01.2020/4P/7C