



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH
CRIMINAL ORIGINAL PETITION No.11408 of 2022

PRAKASH.A

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
HASTHAMPATTI POLICE STATION,
SALEM CITY,
SALEM DISTRICT.
IN CRIME NUMBER 98/2022

[RESPONDENT]

For Petitioner : M/S. B. MOHAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 01.03.2022 for the alleged offences under Section 332, 324 & 307 I.P.C., seeks bail.

2. The case of the prosecution is that the petitioner was working as an Office Assistant in the Court of the Judicial Magistrate No.IV, Salem. A transfer order came to be issued against the petitioner. It is alleged that the petitioner was not happy with this transfer order and hence he carried a knife in his pocket and he attempted to stab the Judicial Officer on the ground that he was responsible for the transfer.

3. The learned counsel for the petitioner submitted that the investigation has been completed and a final report has already been filed by the respondent police. That apart, the petitioner has already suffered incarceration for nearly 75 days. The learned counsel further submitted that the petitioner has to effectively defend himself in the criminal case and he is willing to abide by any conditions imposed by this Court.



4. The learned Government Advocate, Criminal side, submitted that this is a very serious case involving a staff attempting to stab the Judicial Officer only on the ground that he got transferred to some other Court. The learned Government Advocate submitted that the final report has already been filed and it is at the stage of committal and some time can be fixed for the completion of the case. The learned Government Advocate further submitted that if the petitioner is let out on bail at this stage, it will have a very serious impact on the institution and such acts cannot be taken lightly.

5. This Court carefully considered the submissions made on either side and the materials available on record.

6. In this case, it is alleged that an Office Assistant got enraged due to a transfer order issued to him by transferring him to some other Court. As a result, he is said to have carried a knife with him and attempted to stab the Judicial Officer who according to him, was responsible for the issuance of the transfer order. The investigation has been completed and it is seen from the final report that it has been laid for offence under Sections 307 IPC. It is also seen from the records that the Judicial Officer suffered simple injuries and that has been spoken to by the Doctor.

7. It is true that the accused person has to be given sufficient opportunity to effectively defend himself in a criminal case. In the facts of the present case, the attack cannot be seen as an attack on an individual and it is an attack that was made on a Judicial Officer by a staff who was not happy with the transfer order that was served on him. Such an attack has an impact on the institution at large and hence it has to be dealt with utmost seriousness. If the petitioner is granted bail at this stage, it will have a serious impact on the mind of the Judicial Officers who may not feel very comfortable issuing transfer orders or initiating disciplinary proceedings against their staff. While granting bail, this Court has to necessarily take into consideration the seriousness of the allegations made in the given case. In view of the same, this Court is not inclined to grant bail to the petitioner.

8. Since the final report has already been filed and it is at the stage of committal, this Court is inclined to issue directions to the trial Court to complete the proceedings within the time limit fixed by this Court. Accordingly, the Committal Court shall commit the case in P.R.C. No.43 of 2022 to the concerned Sessions Court, when the matter is taken up for hearing on 24.05.2022. Thereafter, the Sessions Court shall conduct the proceedings on a day to day basis and complete the case within a period of six weeks. It is left open to the petitioner to take all the grounds of defense and effectively contest the criminal case. The observations made by this Court in this order shall not have any bearing when the Sessions



Court decides the case and the decision shall be taken on merits and in accordance with law.

9. This Criminal Original Petition is dismissed with the above directions.

-sd/-

18/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, SALEM

2 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, SALEM

3 THE INSPECTOR OF POLICE,
HASTHAMPATTI POLICE STATION,
SALEM CITY, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S. B. MOHAN Advocate on payment of necessary charges

CRL OP.11408/2022

Date :18/05/2022

RVR 19/05/2022