



WEB COPY

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

RESERVED ON : 11/02/2022

PRONOUNCED ON: 17/02/2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.903 of 2022

Siranjeevi Seenivasan ... Petitioner/ Accused No.1

Vs

State through
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.17 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.S.Chandrasekaran, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. side)

For Intervenor : Mr.D.Venkatesh, Advocate

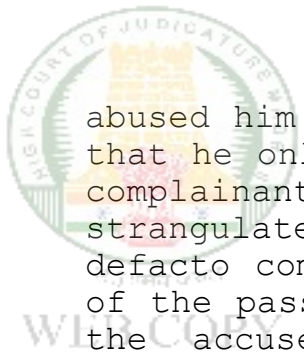
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.17 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) and 307 IPC, in Crime No.17 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the present Government Pleader of District Munsif Court, Karaikudi, that he is appearing for Joint Registrar of Co-operative Societies, Karaikudi, impleaded as the third defendant in O.S.No.185 of 2015, that the petitioner/A.1 had insisted the defacto complainant to conduct the suit and act as per his directions, but the same was not accepted by the defacto complainant, that due to the said motive, on 10.01.2022 at about 02.00 p.m., when the defacto complainant was driving his car to reach his home, the petitioner along with the second accused waylaid the defacto complainant and



abused him with filthy language, that the petitioner had proclaimed that he only purchased the disputed property and pulled the defacto complainant away from the car and with an intention to kill him, strangulated his neck forcibly, that the accused had attacked the defacto complainant indiscriminately and pushed him down, that some of the passersby rescued the defacto complainant from the attack of the accused and that therefore, the defacto complainant was constrained to lodge the above complaint.

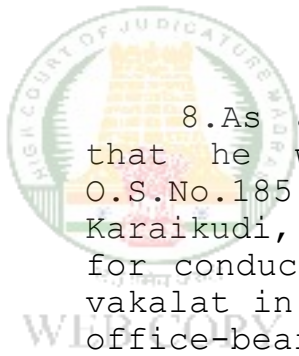
3.The case of the petitioner is that the petitioner is the counsel on record for the second defendant in O.S.No.185 of 2015 on the file of the District Munsif Court, Karaikudi, that the petitioner after his appointment as Special Public Prosecutor for conducting EC & NDPS Act Cases at Pudukkottai, withdrew the vakalat in the said suit as early as in 2019, that the petitioner came to know that the plaintiff in the said suit was only a name lender and one Gunasekaran was behind the above suit, that the second defendant filed a complaint against the said Gunasekaran and two others on 18.12.2021, that since the said Gunasekaran was a politician and office-bearer in the present ruling party, helped the defacto complainant to get the post of Government Advocate, that the defacto complainant alone had approached the petitioner and asked him to compromise the said suit, that the petitioner had informed him that vakalat was already withdrawn and he is in no way connected with the said suit and that the defacto complainant without understanding the real facts, has lodged the above complaint falsely implicating the petitioner.

4.The learned counsel for the petitioner would submit that the petitioner is a practising Advocate at Karaikudi, that he is innocent and he has not committed any offence as alleged by the prosecution and that due to the personal vengeance, he was falsely implicated in the above case.

5.The learned counsel for the intervenor/defacto complainant would submit that the petitioner is an Advocate, but he is behaving like a habitual offender, that he had been committing offence one after another and later on compromising the same, by using his status as Advocate and that if such a person is granted the benefit of the anticipatory bail, then it will give licence to him to commit such type of offences in future also and that therefore, his application for anticipatory bail is liable to be dismissed.

6.The learned Government Advocate (Criminal Side) would submit that the petitioner is having bad antecedents and that since the petitioner along with his driver had attacked the defacto complainant brutally, he is not entitled to get the anticipatory bail.

7.Admittedly, the petitioner as well as the defacto complainant are established practicing Advocates at Karaikudi Courts.



8.As already pointed out, though the petitioner has alleged that he was appearing for the second defendant in the suit O.S.No.185 of 2015 pending on the file of the District Munsif Court, Karaikudi, and after his appointment as Special Public Prosecutor for conducting EC and NDPS Act cases, Pudukkottai, he withdrew his vakalat in the year 2019 itself, that one Gunasekaran politician and office-bearer of the ruling party is the person behind the above said suit, that the second defendant has already filed a complaint against the said Gunasekaran and two others and that the defacto complainant alone had approached the petitioner and asked him to compromise the suit.

9.It is evident from the E-court Diary in C.C.No.171 of 2019 pending on the file of the Judicial Magistrate Court, Karaikudi, available in the additional typed set filed by the defacto complainant that on the hearing held on 12.10.2021, the learned Magistrate has recorded that one counsel appeared before the Court and represented that he was appearing for the defacto complainant and that they have lost faith in the Assistant Public Prosecutor and he is not interested to proceed with the case and sought for adjournment. The learned Magistrate has further recorded that the said counsel has further represented that he already filed a petition to assist the prosecution and the same was allowed and that is why, he was re-presenting before the Court. The learned Magistrate, on perusal of the records, has observed that he came to know that no such petition to assist the prosecution was filed and no order was passed by the Court. The learned Magistrate has further observed that the defacto complainant, despite getting orders from the Hon'ble High Court to dispose of the case within a period of five months from the date of normal work in the Sub ordinate Court, has not been co-operating to proceed with the case and that without proceeding with the case, they were making baseless allegation against the learned Assistant Public Prosecutor and the same is to be condemned.

10.It is further evident from the records that in the subsequent hearings, the petitioner herein has filed a vakalat for the defacto complainant and also filed a petition under Section 301 (2) Cr.P.C. seeking permission of the Court to assist the prosecution and the same was ordered to be allowed.

11.As rightly contended by the learned counsel for the intervenor, it is clearly evident that the petitioner is interested in the subject matter of the suit and the complaint referred above.

12.The learned counsel for the intervenor would submit that since the petitioner had threatened the Court staff within the Court premises, FIR came to be registered in Crime No.497 of 2005 for the alleged offence under Sections 294(b), 323 and 506(1) IPC and after investigation, charge sheet was laid and the case was taken on file in 2006 on the file of the Court of the Judicial



Magistrate, Thirupathur and that since the petitioner sought apology, the case was compromised before the Lok Adalat.

13.The learned counsel for the intervenor would further submit that another case in Crime No.126 of 2003 came to be registered against the petitioner for the alleged offences under Sections 294 (b), 323, 355, 342, 365, 506(1) and 307 IPC for kidnapping and murder attempt and that the petitioner was arrested and during trial, the matter was compromised. He would also submit that prior to the present incident, the petitioner had threatened the present Special Public Prosecutor for EC & NDPS Act Cases at Pudukkottai, that he had also misbehaved in an unruling manner with the Assistant Public Prosecutor and the Judicial Magistrate, Karaikudi, and for that incident, the Karaikudi Advocates Bar Association has issued a notice seeking explanation.

14.The learned counsel for the petitioner had disputed the above cases referred to by the intervenor, but there is no specific denial of the same. Moreover, the learned Government Advocate (Criminal Side) would reiterate the version of the defacto complainant regarding the antecedents of the petitioner.

15.Since the petitioner has disputed the notice issued by the Bar Association, the defacto complainant has produced the copy of the notice issued by the Advocates Bar Association, Karaikudi, to the petitioner seeking explanation for the alleged misconduct and he has also produced the copy of the complaint given by the Special Public Prosecutor for EC & NDPS Act Cases at Pudukkottai to the Superintendent of Police, Pudukkottai, through the learned Principal District Judge.

16.As rightly contended by the learned Government Advocate (Criminal Side), the petitioner is having bad antecedents and it is not expected from a member of a noble profession.

17.Considering the conduct of the petitioner in approaching the Government Pleader to conduct the pending case as per his directions and also the way, in which, defacto complainant Advocate was attacked and considering his antecedents, this Court is constrained to express its displeasure and also considering the facts that except the offence under Section 307 IPC, all other offences are bailable in nature, and that the investigation might have been completed by this time and also taking note of the fact that the custodial interrogation is not at all necessary, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain terms and conditions.

18.Accordingly, the petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without



prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Karaikudi, Sivagangai District.

19. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the learned Judicial Magistrate, Karaikudi, for a period of thirty (30) days on all working days and thereafter as and when required for interrogation.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/02/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
MADURAI BENCH OF MADRAS HIGH COURT
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.903 of 2022

Date :17/02/2022

CSM

MS/JM/SAR-2/23.02.2022/6P.6C