



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2022

PRESENT

WEB COPY

**THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

**CRL.O.P (MD) No.21966 of 2022**

A.S.Mathialagan

...Petitioner/Accused

-VS-

State rep.by  
The Sub Inspector of Police,  
High Court Police Station,  
Madurai City.  
(in Crime No.4 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.4 of 2022.

For Petitioner : Mr.M.S.I.Karuppiah, Advocate

For Respondent : Mr.T.Senthil Kumar  
Additional Public Prosecutor

### **O R D E R**

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b) and 506(i) IPC in Crime No.4 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Ilayavalavan, is that he is a law student and he interned under one K.S.Selvaganesan, Additional Government Pleader and the petitioner has given a false complaint against the Senior of the de-facto complainant and in respect of which, an enquiry was going on. While so, on 17.11.2022 at about 10.50 am, while the de-facto complainant was attending his work, the accused had taken video of the de-facto complainant and when he questioned the same, the accused had abused him in filthy language and also attempted to assault him. When the de-facto complainant had attempted to take photograph of the accused, he had attempted to snatch his phone and hence, the case.



3.The learned Counsel for the petitioner would submit that the petitioner is an innocent. He would also submit that the petitioner is an Advocate with 30 years of standing and he has given a complaint against one K.S.Selvaganesan, who is working as Additional Government Pleader before this Court, for having abused him by calling his caste name and assaulted him, in respect of which, a case in Cr.No.187 of 2022 was registered against the said K.S.Selvaganesan by Thiruppalai Police Station for the offence punishable under Sections 448, 294(b), 323, 324, 506(2) IPC and Section 3(1)(r) of SC/ST (POA) Act, and only in order to wreck vengeance, he has instigated his intern to give a false complaint.

4.The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner, who is an Advocate, had abused the de-facto complainant, who is an intern under the Additional Government Pleader and he has also threatened him with dire consequence and attempted to snatch his phone.

5.Heard the learned Counsel for both sides and perused the materials on record and taking into consideration the facts and circumstances of the case and the materials available on record including the FIRs in Cr.No.187 of 2022 registered by Thiruppalai Police Station and the FIR in Cr.No.4 of 2022 registered by the respondent Police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.6, Madurai, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 06.30 p.m., for a period of one week and thereafter, as and when required.

[c] the petitioner shall not tamper with 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 229A IPC.

Sd/-  
13/12/2022

/ TRUE COPY /

/12/2022  
Sub-Assistant Registrar (C.S.II)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE NO.6,  
MADURAI.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
HIGH COURT POLICE STATION,  
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S. KARUPPIAH M S I Advocate SR.No.14788

ORDER  
IN  
CRL OP(MD) No.21966 of 2022  
Date :13/12/2022