



CRL OP(MD). No.16891 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16891 of 2023

1. Hari Rajkumar @ Hari,
2. Jeganathan @ Jegan,
3. Manikandan @ Veeramani @ Mani,

... Petitioners/ Accused No.2 to 4

Vs

State rep. by
The Inspector of Police,
Cantonment Police Station,
Trichy City.
Crime No.1555 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.Karunakaran K.M.,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

For Intervenor : Mr.K.S.Duraipandian &
Mr.K.Sivabalan
Advocates

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

PRAYER :-

For Anticipatory Bail in Crime No.1555 of 2023 on the file of the Respondent Police.

<https://www.mhc.trn.gov.in/judis>



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ORDER : The Court made the following order :-

The petitioners/Accused No.2 to 4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 147, 323, 341, 307 & 506(i) of IPC, in Crime No.1555 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant's version is that on 08.09.2023, the Annual day celebration of the Bar Association, Trichy, was held in Srinivasa Hall. In the above said celebration, the Honourable Judges from the High Court, District Court and other Courts participated. After the above said celebration was over, in the Dinner Hall at about 8.50 p.m., one Sivakumar who is an Advocate, came to that Hall along with some other persons, who are not connected with their Association. They were also under the influence of alcohol. They picked up quarrel with defacto complainant. He advised them to behave properly, since the Honourable Judges from the High Court and other Courts are participated. He was abused and caused assault with hands and plastic chair. At the intervention of the other Advocates, further assault was avoided. He was criminally intimidated. Based upon which, complaint has been given.



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3. Seeking anticipatory bail, this petition has been filed by accused 2 to 4 on the ground that they are no way involved in the above said issue. The petitioners 1 and 3 are studying in Law College and they are doing internship in the Advocate Office at Trichy. the second petitioner is an Advocate Clerk. The petitioners' contention is that the defacto complainant and others attacked one Sivakumar, who is the first accused. The petitioner rescued the first accused. But, false case has been given by the defacto complainant.

4. When the matter was heard, it was sought to be intervened by the defacto complainant as well as the President of the Criminal Bar Association, Trichy. I made enquiry with regard to what happened in the Dinner Hall. At that time, the defacto complainant submitted that the petitioners 1 and 3 are no way connected with their Bar Association and they stayed in some other place. But, they were not invited to the function and they voluntarily participated in celebration and picked up quarrel.

5. Pet contra, the learned counsel for the petitioners submitted that these petitioners are no way involved in the above said occurrence. Only the first accused was assaulted by the defacto complainant. He also sustained injury. But no complaint was given by the first accused.



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6. Even though it is a simple issue between members of the Bar and some outsiders disturbed the said celebration, since the Honourable Judges from the High Court, District Court and other Courts participated, discipline ought to have been maintained by the Bar members. They have not shown any regard to the gathering of members. Both the defacto complainant, the petitioners and first accused alleged to have indulged in causing assault with each other. At one point of time, this Court suggested the Bar members to settle the issue, it was stated that the petitioners 1 and 2 are not the Bar members. They are only Law college students.

7. In view of the above, this Court is not inclined to grant anticipatory bail to the petitioners. If such sort of activities are permitted to be taken place, then no function can be conducted in a decent and proper manner. Even though the injury that has been caused to the defacto complainant is not severe in nature, the unruly activities dis-entitles the petitioners to claim any discretionary relief.

8. Even after hearing the view of the Court, the learned counsel appearing for the petitioners was standing and insisting the matter to be adjourned. But, this Court is not inclined even to consider this request. The unruly behaviour cannot be justified



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on any ground. So this petition deserves to be dismissed.

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9. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
19/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Inspector of Police,
Cantonment Police Station,
Trichy City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.16891 of 2023
Date :19/09/2023

SSA/JGB/26.10.2023/5P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023