



CRL OP(MD). No.17782 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17782 of 2024

S.Lingam

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu represented by its,
The Inspector of Police,
Vallioor Police Station,
Vallioor, Tirunelveli District.
(In Crime No.514 of 2024)

... Respondent/Complainant

For Petitioner :Mr.Ananthapadmanaban, Senior Advocate
for M/s.Aran Legal Consultancy.

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

For Intervener : Mr.R.Anand,
Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :-

For Anticipatory Bail in Crime No.514 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 316(2) of BNS, 2023, in Crime No.514 of 2024, seeks anticipatory bail.

2.Heard both sides.

3.When the bail application came up for hearing, the Intervener, who is the current Secretary of the Valliyoor Bar Association opposes the prayer for anticipatory bail on the ground that the present petitioner has got 7 previous cases and the same are as follows:-

Sl	Police Station	Cr.No.	Year	Section of Law	Stage
1	Valliyoor	234	2017	143 IPC & 4A(1b)-TNOPPD Act	Quashed
2	Valliyoor	235	2017	143, 188, 283 IPC	Discharged
3	Valliyoor	391	2023	294(b), 323, 342, 506(i) IPC	NTF
4	Panagudi	55	2013	294(b), 323 IPC	Acquitted
5	Panagudi	385	2016	279, 337 IPC	LAC (LF)
6	Panagudi	314	2017	294(b), 323, 324, 506(ii) IPC	Acquitted
7	Panagudi	322	2017	4A(1a)-TNOPPD Act	Quashed



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4.As a reply, the learned counsel appearing for the petitioner would submit that the Intervener, who is the current Secretary of the Valliyoor Bar Association is having 3 previous cases, which are as follows:-

Sl	Police Station	Cr.No.	Year	Section of Law	Stage
1	Panagudi	489	2019	294(b), 323, & 506(ii) IPC	PT
2	Valliyoor	234	2017	143 IPC r/w & 4A(1b)TNOPPD Act	Disposed
3	Panagudi	322	2017	4A(1a)TNOPPD Act	Disposed

5.In reply thereof, the learned counsel appearing on behalf of the petitioner would submit that it is only the current set of Office Bearers, who have more cases than the petitioner.

6.Upon the said submission, this Court directed the respondent police to produce the list of cases, that are pending against both the petitioner as well as the Present Office Bearers. The list of cases, that was produced also shows that the petitioner is having other cases under Sections 294(b) and 323 etc., It is normal for the Office Bearers to have the criminal cases pending against them with reference to dharna, protests, etc., but it can be seen that the offences are beyond that.



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7.The learned counsel for the petitioner further submits that the current Office Bearers have more cases than the petitioner. The following is the list of cases, which are said to be pending against the present President of the Valliyoor Bar Association namely, Suresh @ Sureshkumkar @ Thuppaki Suresh.

Sl	Police Station	Cr.No.	Year	Section of Law	Stage
1	Valliyoor	333	2016	25(1A), 25(1AA), 25(1B)(a), 27 (2), 3, 5, 7 Arms Act r/w 120(B), 294(b), 307, 341, 506(ii) IPC.	PT
2	Valliyoor	334	2016	25(1AA), 25(1B), (a), 28 Arms Act r/w 294(b), 307, 353, 506(ii) IPC	PT
3	Valliyoor	121	2019	147, 148, 294(b), 323, 324, 506(ii) IPC	PT
4	Valliyoor	217	2019	147, 148, 149, 294(b), 307, 323, 324, 326, 450, 506(ii) IPC	PT
5	Valliyoor	222	2019	294(b), 341, 387, 506(ii) IPC	PT
6	Valliyoor	35	2019	147, 148, 294(b), 341, 448, 506(ii) IPC	PT
7	Valliyoor	5	2017	110(e), 110(f) Cr.P.C.,	Disposed
8	Valliyoor	152	2019	107 Cr.P.C.,	Disposed

8.Though this court again ignores the cases relating to the protest or in the cases, which may arise due to the course of functioning as the office bearer as the President, they have got other criminal cases also. Though mere filing of FIR doesn't



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castigate a person, and he cannot be presumed guilty, on the other hand, they have to be present innocent, but, in a place like Valliyoor, which has got a Sub Court and a learned District Munsif Court and a Magistrate Court and there are more than 200 actively practicing members of the bar, both in civil and criminal side, the persons, who are conducting Bar Association should be above board and if only they are free themselves, they can plead for the rights of the ordinary Advocate, who practices in an ethical way and fights for their clients and be a bridge between the bench and the other bar members so as to take up their issues and rights. If they themselves have got so many cases against them, then their priority shifts. In view thereof, de hors the rules that may or may not be framed by the Bar Council of Tamil Nadu & Puducherry with reference to the Office Bearers having pendency of criminal cases as far as this particular case is concerned, since a number of criminal cases are pending against the office bearers, when this tenure is over, this Court specifically urges the members of the Valliyoor Bar Association, though it is their internal matter, to see that the persons without any pending criminal cases, are nominated/elected.

10.A copy of this order shall be placed before the concerned Sub Judge and also the Principal District Judge. When the next election takes place, the particulars



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of the candidates can be called for and checked whether there are any criminal cases pending against them. In spite of this order, if the members of the Valliyoor Bar Association will be adamant that they will only elect persons with criminal cases pending, then, a call shall be taken by the learned Sub Judge and the Principal District Judge whether to continue to recognize the said association, and give space within the court premises or not.

11. Office bearers can preferably be candidates, who do not have criminal cases pending and who are in active practice, having four or five cases every day in the Court.

12. A copy of this order should be marked to the Bar Council of Tamil Nadu & Puducherry, Chennai, for framing rules in electing the members of Bar Associations. The Bar Council shall frame regulations that the persons, who will be elected should not have been involved in criminal cases except the case relating to protest or dharna etc.,

13. However, considering the nature of the allegations in this case that the petitioner is a practicing member of the bar and said to be the former office bearer of



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the Bar Association of Valliyoor for a period of two years and the further allegation is that after going through the account, the current team has found that the accounts are not tallying and there is a difference of a sum of Rs.1,16,906/-, and considering the arguments of the learned Senior Counsel appearing on behalf of the petitioner that only the account statements, which have to be looked into in detail so as to put forth the version of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

14. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Vallioor, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;



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(b) the petitioner shall report before the respondent police daily at 06.30 p.m, for a period of three weeks and thereafter, as and when required for interrogation;

(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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2024

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06/01/2025

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

DSS



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TO
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- 1 THE JUDICIAL MAGISTRATE
VALLIOOR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
- 3 THE SUBORDINATE JUDGE,
VALLIOOR.
- 4 THE PRINCIPAL DISTRICT JUDGE,
VALLIYOOR.
- 5 THE INSPECTOR OF POLICE,
VALLIOOR POLICE STATION, VALLIOOR,
TIRUNELVELI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE BAR COUNCIL OF TAMILNADU AND PUDUCHERRY,
HIGH COURT ROAD, PARRYS, CAMPUS, CHENNAI - 600 104.

ORDER
IN
CRL OP(MD) No.17782 of 2024
Date :28/10/2024

SS/SAR- /06/01/2025/ 9P/8C

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