



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

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3871 of 2018

M.PAL MARIAPPAN

... PETITIONER / 1<sup>st</sup> ACCUSED

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
V.K.PURAM POLICE STATION,  
TIRUNELVELI DISTRICT.  
CRIME NO.359 of 2017

... RESPONDENT COMPLAINANT

For Petitioner : Mr.V.KATHIVELU, Senior Counsel for  
Mr.P.SUBBIAH Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate ( Crl. Side)

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

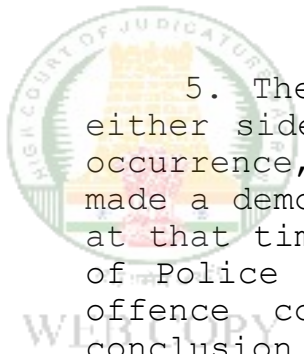
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 294(b), 188 and 153(A) of IPC., in Crime No.359 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that on 06.12.2017, in front of Vallimayil Jewellery in Three Lamp main road, the petitioner and other accused persons conducted demonstration beyond the permitted time, thereby, they violated the order of permission granted by the police officials, at that time, the petitioner herein abused the Deputy Superintendent of Police by using filthy language and promoted enmity between the religion while he was speaking in the demonstration. Hence, the present case has been registered against the petitioner and other accused for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the investigation is still pending.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, under the head of this petitioner, Hindu Makkal Munnani made a demonstration beyond the time granted by the police officials, at that time, the petitioner herein abused the Deputy Superintendent of Police by using filthy language. So, considering the nature of offence committed by the petitioner, this Court came to the conclusion that custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 is made ready, before the learned Judicial Magistrate, Ambasamudram, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

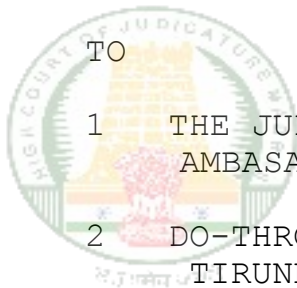
(iii) the petitioner shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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]**.

sd/-  
13/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,  
AMBASAMUDRAM, TIRUNELVELI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,  
V.K.PURAM POLICE STATION,  
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

+1. CC to M/S.P.SUBBIAH Advocate SR.No.4012

pjl

JAM/19/03/2018/ VR / SAR 1/ 3P-6C

ORDER

IN

CRL OP(MD) No.3871 of 2018

Date :13/03/2018