



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20367 of 2018

1.POOMARI @ POOMARIAPPAN
2.RAJADURAI
3 MARIYAPPAN
4 GOPAL@GOPALAKRISHNAN
5 MURUGAN
6 MARIMUTHU@GOVINDHAN

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.361/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.KATHIRESAPERUMAL Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 342, 353, 332, 324, 506(ii) IPC in Crime No.361 of 2018, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant, who is the Police Personnel, went on routine patrol duty, one Iyyachamy drove his bike in a rash and negligent manner and the same was questioned by the defacto complainant. Thereafter, he came to know the said person was in drunken mood. Thereafter, the respondent police took the said Iyyachamy to their police station. At that time, the accused person intercepted the defacto complainant and threatened and abused in filthy languages.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioners would submit that the



petitioners are innocent persons and they have nothing to do _the same as alleged by the defacto complainant.

4. The learned Additional Public Prosecutor for the respondent police submitted that co-accused/A1 released on bail.

5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent as and when required for interrogation.

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

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

sd/-
14/11/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3. THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to MR.R.KATHIRESAPERUMAL Advocate SR.No.21516

ORDER

IN

CRL OP(MD) No.20367 of 2018

Date :14/11/2018

RMK

AE/JC/SAR4/20.11.2018/3P/6C