



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

Monday, the Twenty Sixth day of November Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20757 of 2018

1.BOOMI @ BOOMINATHAN
2 BALA

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.188/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.MUNIYANDI Advocate.

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

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

ORDER : The Court Made the following order :-

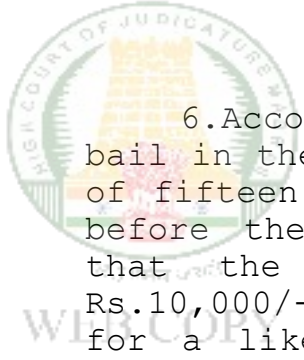
The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 427 and 355 of IPC in Cr.No.188 of 2018 seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant in this case returned from the flood relief area the accused persons thrown their chapels and used filthy language against the defacto complainant. Therefore, the defacto complainant lodged a complaint against the petitioners in Crime No.188 of 2018 and the petitioners lodged a complaint against the defacto complainant and another in Crime No.189 of 2018. It is a case in counter case.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. There is a case in counter case was filed in Crime No.189 of 2018 before the same police station.

4.The learned Government Advocate (Crl. Side) submitted that it is a case in counter case.

5.Taking into consideration the facts of the case and the fact that the injured person is discharged from the hospital and it is a case in counter case, this Court 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, Rameswaram, 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 police 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/-

26/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, RAMESWARAM.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.S.MUNIYANDI Advocate SR.No.22084.

ORDER

IN

CRL OP(MD) No.20757 of 2018

Date : 26/11/2018