



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

Date : 13/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12709 of 2021

P.Muthupandi

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Madurai Railway Police Station,
Trichy Railways, Madurai District.
Crime No.58 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.Santhanam, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No.58 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest for the offence punishable under Sections 294(b), 323 and 353 I.P.C, in Crime No.58 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a railway staff. On 01.08.2021, while the complainant has closed the railway gate, the petitioner in a drunken mood questioned the same and abused the defacto complainant in filthy language and also slapped on his left cheek by hand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a driver and on the date of occurrence, he was in a hurry to go for his work and requested the complainant not to close the gate. Immediately, the complainant abused the petitioner in filthy language and closed the gate. When the petitioner questioned the complainant regarding the abusive language, the complainant again abused the petitioner in filthy language and pushed him down and caused injuries. But a false complaint has been lodged by the defacto complainant. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the



4.The learned Government Advocate(Crl.Side) appearing for the respondent submits that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai 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 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 Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioner shall not tamper with the 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MADURAI RAILWAY POLICE STATION,
TRICHY RAILWAYS, MADURAI DISTRICT.

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

+1 CC to M/s.R.SANTHANAM, Advocate (SR-6213[I] dated 14/09/2021)

ORDER

IN

CRL OP(MD) No.12709 of 2021

Date :13/09/2021

MSA

MS/PN/SAR-1/23.09.2021/3P.6C