



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP (MD) No.2046 of 2018**

1 G.RAJAKUMARI

2 M.GNANAVEL

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REPRESENTED BY,  
THE INSPECTOR OF POLICE  
THANJAVUR TALUK POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO.473 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.JAGADEESAN Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A-1 & A-2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 352 , 506(i) and 406 I.P.C., in Crime No.473 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was working as a Area Manager of Nanayam Business Development Finance Private Limited. The second petitioner, namely, M.Gnanavel is the the President of the said Finance Company. In the Month of August 2017, when the weekly business meeting held at Thanjavur, the second petitioner herein informed that a sum of Rs.3,95,000/- was missing from the office. Further, he instructed that the said amount would be deducted from the salary of 11 employers. When the defacto complainant has refused to recover the salary as instructed by A2, the second petitioner herein demanded the defacto complainant to resign the job. Further, he made threatening call to the defacto complainant that after receiving the resignation letter only he will return the certificates belongs to the defacto complainant. Thereafter, till 28.09.2017, the second



petitioner had not returned the certificates of the defacto complainant. In this circumstances, the defacto complainant made a request to the second petitioner, at that time, the second petitioner scolded the defacto complainant by saying caste name. Further, the second petitioner kicked the defacto complainant and also made criminal intimidation to him. Hence, case has been registered against the petitioners for the above said offence.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that on 22.12.2017 itself pending investigation, the provisions of law with regard to the offence was altered into Sections 294(b), 352, 506(i) and 406 I.P.C r/w3(i)(r) (s), 3(2) (Va) SC/ST Act. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of registration of case the offence under Sections 294(b), 352, 506(i) and 406 I.P.C has been registered against the petitioners. Subsequently, today the learned Government Advocate(Criminal Side) appearing for the State submitted that on 22.12.2017 itself pending investigation, the provisions of law with regard to the offence was altered into Sections 294(b), 352, 506(i) and 406 I.P.C r/w3(i)(r) (s), 3(2) (Va) SC/ST Act. On the other hand, the counsel representing the petitioners submitted that till 07.02.2018, no such alteration report was filed before the learned Judicial Magistrate No.II Court, Thanjavur to that effect and he shows an endorsement made by the concerned Court. Further, the learned Government Advocate(Crl.Side) informed this Court that the offence punishable under the provisions of SC/ST Act is attracted against the petitioners. Because of the bar in of 18(1) of the SC/ST Act, this Court is not having any power to grant anticipatory bail to the petitioners. Accordingly, the Criminal Original Petition is dismissed.

sd/-  
09/02/2018

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



TO

1 THE INSPECTOR OF POLICE,  
THANJAVUR TALUK POLICE STATION,  
THANJAVUR DISTRICT.

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

+1. CC to M/S.A.JAGADEESAN Advocate SR.No.2411

ORDER

IN

CRL OP (MD) No.2046 of 2018

Date :09/02/2018

PK/RR-CSL/SAR-3/13.02.2018 : 3P/4C