



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

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.12479 of 2018

MANIKANDAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY

1 THE DEPUTY SUPERINTENDENT OF POLICE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT,

2 THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.

IN CR NO. 127 OF 2017

... RESPONDENTS / COMPLAINANTS

3 MAHESHKUMAR

... RESPONDENT / DEFACTO COMPLAINANT

For Petitioner : M/S.D.BALAMURUGAPANDI Advocate

For Respondents : Mr.OHM CHAIRMA PRABHU, Govt.Advocate

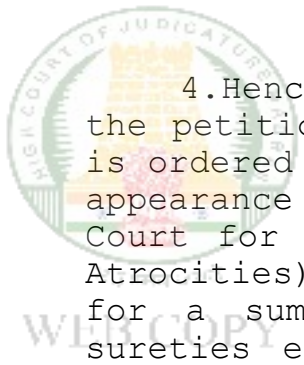
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 506(ii) IPC r/w 3(i)(r), 3(i)(s) of SC/ST (POA) Amendment Act 2015 in Crime No.127 of 2017, seeks anticipatory bail.

2.Heard the learned counsel on either side.

3.It is true that if the offences of SC/ST Act are invoked, the court has no jurisdiction to grant anticipatory bail. But, the Hon'ble Supreme Court in the decision reported in **(2012) 4 SCC 379 (Jai Prakash Singh vs. The State of Bihar & Anr)** has held that in certain exceptional circumstances, anticipatory bail can be granted. This Court went through the contents of the F.I.R. It is obvious that an accident had given rise to claims and counter claims. But, unfortunately, the provisions of the SC/ST Act have been thrown in without any justification or basis. There is no need for invocation of the SC/ST Act. It is malafide.



4.Hence, 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 before the learned District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes) (Prevention of Atrocities) Act, 1989, Ramanathapuram and on his executing 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 condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
27/07/2018

/ TRUE COPY /

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

TO

- 1 The District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes) (Prevention of Atrocities) RAMANATHAPURAM.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.14381

ORDER
IN
CRL OP(MD) No.12479 of 2018
Date :27/07/2018

SKM
MV:JC:SAR2:02/08/18/2P/6C