



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

Monday, the Tenth day of September Two Thousand Eighteen

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD) No.16152 of 2018

G.SENKALIYAPPAN

... PETITIONER / 21st ACCUSED

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
PALANI DIVISION, DINDIGUL DISTRICT

2 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT ... RESPONDENTS/COMPLAINANTS

3 MURUGAN ... 3RD RESPONDENT / DEFACTO COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.V.NEELAKANDAN, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b) 323, 436 and 506(ii) I.P.C r/w Section 109 I.P.C r/w 3 (1)(r) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, in Crime No.191 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 30.06.2017, while the defacto complainant getting down from the Bus, inadvertently, the petitioner and other accused in this case abused the defacto complainant by using filthy language with community name and also assaulted the defacto complainant. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the injured has been discharged from the hospital.

5.Considering the fact that the injured has been discharged from the hospital and except SC/ST Act, other offences are not serious in nature, this Court, by following the judgment of the Apex Court reported in **(2018) 6 Supreme Court Cases 454-Subash Kashinath Mahajan V.State of Maharashtra**, 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 Judicial Magistrate, Palani 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 daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

6.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/-
10/09/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PALANI.
- 2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.



3 THE DEPUTY SUPERINTENDENT OF
POLICE, PALANI DIVISION, DINDIGUL DISTRICT

4 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION, DINDIGUL
DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.D.VENKATESH Advocate SR.No.17295

ORDER
IN
CRL OP (MD) No.16152 of 2018
Date :10/09/2018

TR/JC/SAR-4 (14/09/2018) 3P/7C