



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/09/2019

PRESENT

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

CRL OP (MD) . No.12701 of 2019

1. Manikandan,
2. S.Balamurugan,,
3. N.Balavishnu,, ... Petitioners/Accused

Vs

State Rep by  
The Inspector of Police,  
Annanagar Police Station (L and O),  
Madurai City.  
Crime No. 929 of 2019). ... Respondent/Complainant

For Petitioner : M/s. J. Vijayaraja,  
Advocate.

For Respondent : Mr.A.Robinson,  
Government Advocate (Crl.Side)

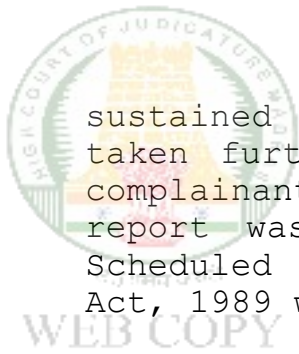
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C  
PRAYER :-

For Anticipatory Bail in Crime No. 929 of 2019 on the file of  
the Respondent Police.

ORDER : The Court made the following order :-

Crime No.929 of 2019 was registered against Manikandan and two  
others for the offences under Sections 294(b), 324 and 506(ii) of  
IPC.

2. It is seen that a quarrel arose between the petitioners on  
the one hand and the defacto complainant on the other. All of them  
were drunk. In the said quarrel, Manikandan is said to have hit  
the defacto complainant with beer bottle. The defacto complainant



sustained head injury. Thereafter, the Police appeared to have taken further statement as if the petitioners abused the defacto complainant by referring to his community. Thereupon, an alteration report was filed and the offence under Section 3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was also included.

3. It is obvious that the police could not have included the offence under Section 3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as it is no longer in the statute book.

4. It is however submitted by the prosecution that an officer has been appointed under Rule 7 of the SC and ST (Prevention of Atrocities) Rule, 1995 and that it is proposed to include Section 3 (2)(v-a) of the SC and ST (Prevention of Atrocities) Act. In such an event, this Court will not be having the jurisdiction to grant relief of anticipatory bail.

5. Faced such situation, the petitioners' counsel states that S.Balamurugan and N.Balavishnu will surrender before the Special Court on Monday ie., 23.08.2019. The respondent is directed to intimate the defacto complainant about the surrender of the petitioners on the said date. The petitioners S.Balamurugan and N.Balavishnu will be entitled to apply for regular bail. On such application being filed, the learned Special Judge is directed to dispose of the bail application on the same date and to incorporate the condition that the petitioners 2 and 3 herein will appear before the respondent daily at 10.30.am., for a period of two weeks. The benefit of this order will not be available for the first petitioner.

6. With this direction, this criminal original petition is disposed of.

sd/-  
17/09/2019

/ TRUE COPY /

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

TO

1. The Inspector of Police,  
Annanagar Police Station (L and O),  
Madurai City.



2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+2CC TO MR.J.VIJAYARAJA, Advocate Sr. No. 15666 & 15610

ORDER IN  
CRL OP (MD) No.12701 of 2019

TR/PN/SAR-IV (18.09.2019) 3P 5C