



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/01/2020

PRESENT

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

CRL OP(MD) . No.433 of 2020

Seeni Thangam,

... Petitioner/1st Accused

Vs

1.The Deputy Superintendent Of Police,
Melur, Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

(In Crime No.191 of 2016). ... Respondents 1 & 2/Complainants

3.A.Santhi ... 3rd Respondent/Defacto Complainant

For Petitioner : M/s. R. R. Thamothar Raj,
Advocate.

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

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

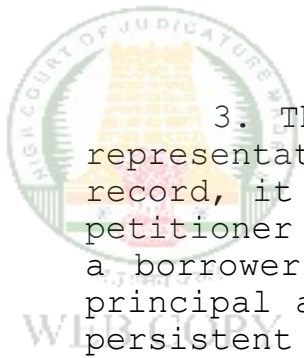
PRAYER :-

for Anticipatory Bail, Crime No.191 of 2016, on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b)
and 506(i) of IPC read with Section 3(2)(va) of SC/ST (Amendment)
POA Act, in Crime No. 191 of 2016 on the file of the respondent
police, seeks anticipatory bail.



3. The defacto complainant has been notified but there is no representation on her behalf. On going through the materials on record, it is seen that there was financial transactions between the petitioner and the defacto complainant. The defacto complainant is a borrower. Her complaint is that eventhough she has repaid the principal amount in full and paid an excess amount also, there is a persistent demand on the side of the petitioner herein.

4.I am of the view that a civil transaction of borrowing and lending has been given a communal colour by the defacto complainant. The learned counsel for the petitioner states that the petitioner will totally keep off from the defacto complainant and if she has any claim against him, she will take recourse to due process of law.

5.With this undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Special Judge for SC/ST (Prevention of Atrocities) Act/ III-rd Additional District and Sessions Judge (PCR Unit), Madurai, and on her 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.

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/-
13/01/2020

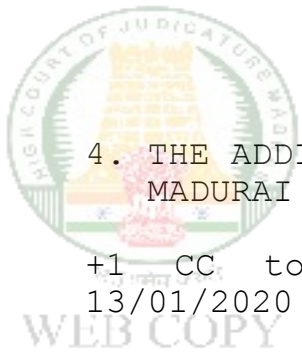
/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE SPECIAL JUDGE FOR SC/ST (PREVENTION OF ATROCITIES) ACT/
III-RD ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR UNIT), MADURAI,
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,
MELUR, MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.

<https://hcservices.mca.gov.in/Services>



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

+1 CC to M/s.R.R.THAMOTHAR RAJ, Advocate (SR-804[I] dated
13/01/2020)

ORDER

IN

CRL OP(MD) No.433 of 2020

Date :13/01/2020

pnn

AE/SKN/SAR-I (28.01.2020) 3P 6C