



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

Date : 27/01/2020

PRESENT

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

CRL OP(MD) . No.909 of 2020

1. Rajamani,
2. R.Ajithkumar,

... Petitioners/Accused No.1 & 2

Vs

1. The Deputy Superintendent Of Police, Karur.
2. The State Rep by.
The Inspector of Police,
Thennilai Police Station,
Karur, Cr.No.4 of 2020. ... Respondents/Complainants
3. Harishprasath, ... Defacto Complainant

For Petitioners : M/s.Vinod Sathya Lazar, Advocate.

For Respondents : Mr.A.Robinson,
Govt. Advocate (Crl.Side) for R1 & R2

Mr.R.Alagumani for R3

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2020 on the file of the
2nd Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, the
learned Government Advocate(Crl. Side) appearing for the respondents
1 and 2 and the learned counsel appearing for the third respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences under sections 294(b) and 323 of
I.P.C. and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled
Caste and Scheduled Tribes (Prevention of Atrocities) Act, in Crime
No.4 of 2020 on the file of the respondent police, seek anticipatory
bail.

3. I have held vide order dated 26.11.2019, in Crl.O.P.(MD)
No.17204 of 2019 that a petition for anticipatory bail even in a



case arising under SC/ST Act is maintainable under certain circumstances. But then, I have also held that the petition for anticipatory bail will have to be drafted in a particular manner. Paragraph 16 of the said order reads as follows:-

"16. It is necessary to make a mention at this juncture about the manner in which a petition for anticipatory bail has to be drafted. In a leading case in **Bharat Singh and Ors. vs. State of Haryana and Ors (1988) 4SCC 534**, the Hon'ble Supreme Court drew a distinction between a pleading under the CPC and a writ petition or a counter-affidavit. While in a pleading, that is, a plaint or a written statement, the facts and not evidence are required to be pleaded, in a writ petition or in the counter-affidavit not only the facts but also the evidence in proof of such facts have to be pleaded and annexed to it. If an accused is to be granted anticipatory bail in a case arising under the Atrocities Act, he has to fulfil the test laid down in **Dr. Subhash Kashinath Mahajan** case. It is true that there are no strict rules of pleading in Criminal Procedure Code as those in the Civil Procedure Code. Nevertheless, the principles of natural justice require that the victim is not taken by surprise. Hence, the petition to be filed by the accused along with the annexures should contain all the necessary and relevant materials. Only after a judicial scrutiny of those materials and particulars, the court can come to a decision as to whether the accused is entitled to anticipatory bail. Of course, the finding given by the court is only based on a prima facie view for the purpose of granting anticipatory bail and it will not have any bearing on the investigation as such."

4. In this case, the petitioner has filed a bald petition. It does not meet the standards set out in paragraph 16 of the said order. Hence, I am not in a position to adjudicate the contentions of the petitioner on merits. Hence, the criminal original petition stands dismissed. The petitioners are given liberty to file a fresh petition for anticipatory bail.

sd/-
27/01/2020

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



TO

1. The Deputy Superintendent Of Police, Karur.

2. The Inspector of Police,
Thennilai Police Station,
Karur.

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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-1546[I] dated 27/01/2020)

ORDER IN
CRL OP (MD) No.909 of 2020
Date : 27/01/2020

TR/SKN/S-II (31.01.2020) 3P 5C