



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.1012 of 2020

1. Renganathan,
2. Palanisamy,
3. Renganathan @ Chinna Vandu, ... Petitioners/A1 to A3

Vs

1. The Deputy Superintendent Of Police,
Musiri, Trichy District.
2. The Inspector of Police,
Musiri Police Station,
Trichy District. ... 1& 2 Respondents/Complainant
3. Mohan Kumar, ...3rd Respondent/Defacto Complainant

For Petitioner : M/s.S.Sathyachidambaram,
Advocate.

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

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

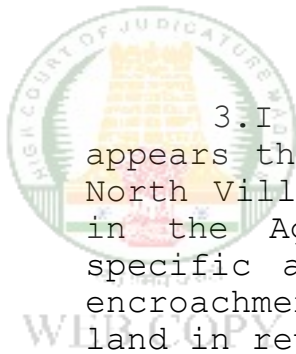
PRAYER :-

(SC/ST Act) for Anticipatory Bail in Crime No.445 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(i), 507 of I.P.C., read with Section 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (POA) Amendment Act, 2015, in Crime No.445 of 2019 on the file of the respondent police, seek anticipatory bail.



3.I heard the defacto complainant Mohan Kumar in person. It appears that Mohan Kumar has an ancestral property in Antharappatty North Village. His parents are no more. He is working as a driver in the Agriculture Department at Trichy. It appears that his specific allegation is that the petitioners are trying to commit encroachment on the said land which has been categorized as panchami land in revenue records.

4.Obviously the petitioners herein cannot have any claim over the panchami land. The petitioners herein agreed to keep away from the land bearing No.4/'O', Antharapatty North, Ayyampalayam Post, Musiri Taluk, Trichy District-621202. On the said land, there existed a house which also had electricity connection for several years. The undertaking given by the petitioners that they will not interfere with the third respondent's right in the said land, is taken on record.

5.The case on hand came to be registered following an abusive phone call received from Mobile No.8754008216 to the mobile number of the third respondent. Even according to the third respondent/defacto complainant, the call was made by one Sumali. The petitioners' role is suspected by the third respondent. In as much as the petitioners herein did not abuse the third respondent by referring to his community, I am of the view that the offences in question are not attracted against the petitioners herein.

6.Hence, subject to the undertaking given above, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned I Additional District and Sessions Judge (PCR Court), Trichy District, and on their 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 petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioners 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/-
27/01/2020

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



TO

1. THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TRICHY DISTRICT.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
MUSIRI, TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, TRICHY DISTRICT.

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

+1 CC to M/s.S.SATHIYA CHIDAMBARAM, Advocate (SR-1599[I] dated
28/01/2020)

ORDER

IN

CRL OP(MD) No.1012 of 2020

Date :27/01/2020

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AE/PN/SAR-III (30.01.2020) 3P 6C