



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

Date : 10/02/2020

PRESENT

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

CRL OP(MD). No.1414 of 2020

1.Balamurugan
2.Chithradevi

...Petitioners 1 and 2/
Accused 1 and 2

Vs

1.The Deputy Superintendent Of Police,
Aranthangi, Pudukkottai District.

2.The Sub-Inspector of Police,
Arathangi Police Station, Aranthangi,
Pudukkottai District.
Crime No.46 of 2020.

...1st and 2nd Respondent/
Complainant

3.Chandrasekar

... 3rd Respondent/Defacto
Complainant

For Petitioners : M/s.K.C.Maniyarasu,
Advocate.

For R1 and R2 : 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.46 of 2020 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 448,
294(b), 323, 324 of I.P.C., and 3(1)(r), 3(1)(s) and 3(2)(va) of
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989, in Crime No.46 of 2020 on the file of the respondent
police, seek anticipatory bail.



3. The petitioner's chick was hit by the defacto complainant's son. The chick died. This gave rise to a quarrel between the petitioner and the complainant's family. The first petitioner fairly admits that since he was abused with reference to his community by the defacto complainant's family, he gave slap on his face and that had aggravated the situation. Cases were registered at the instance of either parties.

4. I am of the view that a petty quarrel over killing of a chick has been given a communal color.

5. The petitioners undertake to take a demand draft favouring the defacto complainant for a sum of Rs.5,000/- and enclose the same along with the surrender petition.

6. The Court below shall hand over the demand draft through the respondent Police to the defacto complainant directly. This will be a non refundable payment and this will be without prejudice to the petitioner's defence in the trial.

7. Taking note of the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned District and Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Pudukkottai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the concerned Court and on further condition that the petitioners 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.

8. The petitioners shall appear before the concerned Court 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/-
10/02/2020

/ TRUE COPY /

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



TO

1.THE DISTRICT AND SESSIONS COURT
(SPECIAL COURT FOR SCHEDULED CASTES AND
SCHEDULED TRIBES(PREVENTION OF ATROCITIES)) ACT,
PUDUKKOTTAI.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
ARANTHANGI, PUDUKKOTTAI DISTRICT.

3.THE SUB-INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION, ARANTHANGI,
PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.K.C.MANIYARASU Advocate SR.No.2741

ORDER

IN

CRL OP(MD) No.1414 of 2020

Date :10/02/2020

RMI

TK/VR/SAR.4/14.02.2020/3P/6C