



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.2326 of 2020

Rajamani

... Petitioner/Accused No.1

Vs

1. The Deputy Superintendent Of Police,
Karur.

2. The Inspector of Police,
Thennilai Police Station,
Karur District.
Crime No.4/2020.

... Respondents/ Complainant

3. Harish Prasath

... Defacto Complainant/ Respondent

4. Maniyan

5. Muthu

6. Sathasivam

... Victims/ Respondents

For Petitioner : M/s.Vinoth Sathya Lazar, Advocate.

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

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences under sections Sections 294(b) and 323 of I.P.C. and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities)



Amendment Act, in Crime No.4 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The learned counsel appearing for the third respondent took me through the averments set out in the FIR. He contended that the offence under SC/ST (POA) Act *prima facie* is made out and that therefore, he wanted this Court to dismiss this petition as not maintainable.

4. The petitioner is a 58 year old man. He is running a tea stall. According to the petitioner, the defacto complainant and three others were quarrelling in front of his shop. They were carrying avaram flowers. The petitioner appears to have harshly told them not to quarrel in front of his shop and affect his business. As a result, a quarrel appears to have erupted between the petitioner and his son on the one hand and the defacto complainant and his friends on the other. According to the defacto complainant, the petitioner and his son abused them by referring to their community and also physically assaulted.

5. The learned counsel appearing for the petitioner would point out that even though according to the prosecution, the occurrence took place at 10.40 a.m. on 12.01.2020, the complainant had gone to the police station only on the next day i.e., 13.01.2020 at about 12 hours. There is absolutely no explanation whatsoever for the delay.

6. The petitioner's counsel would further point out that admittedly the defacto complainant and the accused did not have prior acquaintance with each other. But then all the details regarding the petitioner have been set out. The fact that the petitioner's name has been set out in the FIR itself throws considerable doubt on the case of the defacto complainant.

7. More than anything else, the petitioner is running a tea stall in a bus stand area. He cannot afford to discriminate between one customer and another customer on the ground of caste. It is not as if the petitioner is running a tea stall in a rural hinter land where double tumbler system is still prevalent.

8. Taking note of all these aspects, I am *prima facie* satisfied that the defacto complainant has come out with a false case by giving communal colour to a petty quarrel. I am therefore satisfied the petitioner deserved to be granted anticipatory bail. Hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Principal District and Sessions Court, and on his 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 Court Magistrate concerned and on further condition that the



required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

9. The petitioner 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/-
14/02/2020

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
KARUR DISTRICT.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
KARUR.
- 3 THE INSPECTOR OF POLICE,
THENNILAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VINOTH SATHYA LAZAR Advocate SR.No.3166
+1CC TO Mr.A.JOSEPH JERRY, Advocate, sr No.3190
+1CC TO MR.R.ALAGUMANI, Advocate, Sr No.3228

ORDER
IN
CRL OP(MD) No.2326 of 2020
Date :14/02/2020

MS/VR/SAR-2/20.02.2020/3P.8C