



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.2063 of 2020

1. Thangammal

2. Kamaraj

...Petitioners/Accused No.1 & 2

Vs

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

2. The Inspector of Police,
Illupur Police Station,
Illupur Taluk,
Pudukkottai District.
Crime No.18 of 2020.

3. R.Kannan

... Respondents/Complainants

For Petitioner : M/s.P.Ganapathi Subramanian,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.18 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 under sections 294(b) and 506(ii) 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.18 of 2020 on the file of the respondent police, seek

<https://hcservices.ecourts.gov.in/hcservices/>
anticipatory bail.



3. The defacto complainant is one Kannan. The said Kannan appeared in person before me and reiterated the contents set out in the FIR.

4. It is not in dispute that there is a civil dispute pending between the parties. The case of the defacto complainant is that he has been in possession and enjoyment of the agricultural land belonging to one Yajur Veda Patasala. He would specifically allege that the first petitioner obtained patta by making certain fraudulent representation and that the civil proceedings ended in his favour and based on the same, the third respondent moved the Revenue Divisional Officer for effecting mutation.

5. The petitioners' counsel would state that in order to secure leverage in the civil proceedings, the case on hand has been registered. I find the said allegation to be quite probable. The petitioners have been locked in litigation for more than 12 years. The defacto complainant would claim that the proceedings ended in his favour. Therefore, I *prima facie* hold that civil dispute has been a communal colour. Hence, 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 Principal Sessions Court (Special Court for SC/ST Act), Pudukkottai District, 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 Court concerned 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.

6. 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/-

06/02/2020

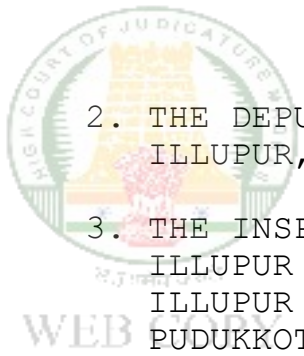
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/ /2020

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

TO

1. THE PRINCIPAL SESSIONS JUDGE
(SPECIAL COURT FOR SC/ST ACT),
PUDUKKOTTA DISTRICT.



2. THE DEPUTY SUPERINTENDENT OF POLICE,
ILLUPUR, PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ILLUPUR POLICE STATION,
ILLUPUR TALUK,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-2517[I] dated
06/02/2020)

ORDER
IN
CRL OP(MD) No.2063 of 2020
Date :06/02/2020

MS/VR/SAR-1/12.02.2020/3P.6C