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

Date : 20/02/2020

PRESENT

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

CRL OP(MD) . No.2719 of 2020

R.SHANTHI ... PETITIONER/SOLE-ACCUSED

VS

1.THE DEPUTY SUPERINTENDENT OF POLICE,
O/O.THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR SUB-DIVISION,
MADURAI DISTRICT.

... RESPONDENT NO.1/
INVESTIGATION OFFICER

2.STATE REP. BY
THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO.411 OF 2019).

... RESPONDENT NO.2/ COMPLAINANT

3. R.ELAVARASAN

... RESPONDENT NO.3/DEFACTO COMPLAINANT

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

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

For Intervenor : Mr.G.Bhagavathi Singh, Advocate

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

PRAYER :-

for Anticipatory Bail in Crime No.411 of 2019 on the file of
the respondent police.



ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, learned counsel appearing for the intervenor and the learned Government Advocate(Crl. Side) appearing for the respondent.

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2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(1) of I.P.C., and Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.411 of 2019 on the file of the respondent police, seeks anticipatory bail.

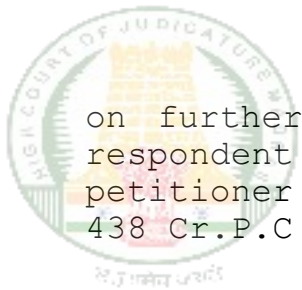
3. The defacto complainant has also been informed and represented through his counsel.

4. The case of the defacto complainant is that he belongs to SC Community. The defacto complainant and his wife have developed difference of opinion and they are living separately. Raja is a relative of the complainant. Raja got married to the petitioner Shanthi. The petitioner belongs to Kallar Community. The allegation of the defacto complainant is that the petitioner is keeping his wife Kokiladevi under her control and criminally intimidated him. On 15.11.2019, the petitioner is said to have sent highly offending text through sms to the defacto complainant. On that basis, the case has been registered.

5. I went through the contents of the sms. It is true that it is in strong language. But then, all that the petitioner wants is that Kokiladevi should not be put to any harm. The spirit with which the petitioner has acted, is to protect Kokiladevi who is none other than the wife of the defacto complainant. The petitioner Shanthi has contracted an inter-caste marriage with Raja who belongs to SC community. It is unfortunate that the defacto complainant should seek to register a case against Shanthi under the provisions of SC/ST Act.

6. After going through the FIR and so called offending messages, I come to the conclusion that the offences under the SC/ST Act are not at all made out. The Hon'ble Supreme Court has held that if the offences under SC/ST Act are not made out, the High Court under Section 482 of Cr.P.C., can grant anticipatory bail. The said test has been fully satisfied. Hence, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned third Additional District Sessions Court (PCR), Madurai, 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 learned third Additional District Sessions Court (PCR), Madurai and



on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. 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/-
20/02/2020

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

TO

1 THE III ADDITIONAL DISTRICT SESSIONS JUDGE (PCR),
MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
O/O.THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR SUB DIVISION,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.MALAIKANI, Advocate (SR-3580[I] dated 20/02/2020)

ORDER
IN
CRL OP(MD) No.2719 of 2020
Date :20/02/2020

RMI
JM/VR/SAR 2/27.02.2020/3P/6C