



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

Date : 25/02/2020

PRESENT

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

CRL OP(MD) . No.2897 of 2020

Palanisamy

... Petitioner/Accused No.2

Vs

1.The Deputy Superintendent Of Police,
Dindigul Rural, Dindigul.

2.The State rep.by
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
Crime No.9/2020.

...1st and 2nd Respondents/Complainant

3.Chellamuthu

... Respondent/Defacto Complainant

For Petitioner : M/s.P.Balasubramanian,
Advocate.

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

For intervener :Mr.G.Prabhu Rajadurai, Advocate for R3

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

PRAYER :-

for Anticipatory bail in Crime No.9 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 counsel appearing for the intervener and the learned
Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences under sections 323 and 506(i) of
I.P.C. and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, in Crime No.9 of 2020 on the file of
the respondent police, seeks anticipatory bail.



3. The primary allegations have been made only against A1. The petitioner herein was only a temporary staff during the relevant time and even he is not in service as of now. Even according to the defacto complainant the offending words were uttered only by A1 and that the petitioner did not utter any offending words referring the complainant's caste.

4. Since the offences under SC/ST (POA) Act are not made out against the petitioner, that leaves only with Indian Penal Code offences under Sections 323 and 506(i) of I.P.C. I am of the view of that the petitioner's arrest or custodial interrogation is not necessary. 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 Judicial Magistrate No.III, Dindigul, 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 Magistrate concerned 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.

5. The petitioner 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/-
25/02/2020

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
DINDIGUL RURAL, DINDIGUL.
4. THE INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION,
DINDIOGUL DISTRICT.



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

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-4026[I] dated
26/02/2020)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-4036[I] dated
26/02/2020)

ORDER

IN

CRL OP(MD) No.2897 of 2020

Date :25/02/2020

IAS

TK/PN/SAR.1/28.02.2020/3P/8C