



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2020

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PRESENT

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

CRL OP(MD). No.19518 of 2019

1.Murugan
2.Hakkim
3.Ganesan
4.Kumar

... Petitioners/Accused
Rank Not Known

Vs

1.State Rep. by
The Inspector of Police,
Arimalam Police Station,
Pudukkottai District,
Crime No.92 of 2019.

**(*)2.The Deputy Superintendent of Police,
Ponnamaravathi, Pudukkottai District.**

3.Prema

**(R2 & R3 impleaded as per order of this order
dated 06.01.2020 in Crl.M.P. (MD)No.8/2020
in Crl.O.P. (MD)No.19518/19)**

... Respondents/Complainants

For Petitioners : Mr.D.Ramesh Kumar,
Advocate

For R1 and R2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

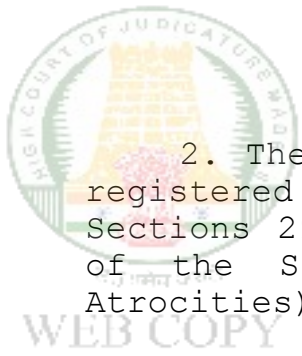
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 92 of 2019 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel on either side.



2. The petitioners are shown as accused in Crime No.92 of 2019 registered on the file of the respondent for the offences under Sections 294(b), 323, 354 of IPC and 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The victim has since been notified.

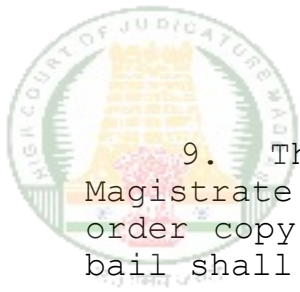
4. The petitioner's counsel pointed out that the first petitioner herein lodged a complaint against one Gopi @ Kanthasamy and few others and the same was registered as Crime No.60 of 2019 on the file of the Arimalam Police Station.

5. According to the petitioners, there is an election motive. The said Gopi @ Kanthasamy is none other than the husband of the defacto complainant herein/R3. The case of the first petitioner in the said Crime NO.60 of 2019 is that he was assaulted by the accused named the said FIR. As already pointed out, the husband of the third respondent herein is figuring as first accused.

6. The petitioner's counsel would pointedly contend that the present FIR has been given as a counter blast. In order to show its mala fide nature, he would point out that even though the occurrence is said to have taken place on 15.08.2019, FIR itself was registered only on 06.12.2019. He would also point out that the defacto complainant herein did not straight away move the jurisdictional Police, instead a complaint was given to the National Human Rights Commission. The complaint to the National Human Rights Commission is dated 24.08.2019. Thus, even in lodging the complaint to the National Human Rights Commission, there is a delay in more than nine days.

7. I am satisfied that the complaint on hand is mala fide in nature and has been given as a counter blast against the first petitioner's complaint which was registered as Crime No.60 of 2019. Of-course, this finding is given only on a prima facie and for the purpose of disposing this petition.

8. In view of the above, 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 Judicial Magistrate, Thirumayam, 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 learned Magistrate 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.



9. The petitioners 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.

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKOTTAI DISTRICT.
 2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT
 3. THE INSPECTOR OF POLICE,
ARIMALAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE DEPUTY SUPERINTENDENT OF POLICE,
PONNAMARAVATHI, PUDUKKOTTAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.534

ORDER
IN
CRL OP(MD) No.19518 of 2019
Date :09/01/2020

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