

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5268 of 2020

Chokkalingam

.. Petitioner

Vs.

1. State represented by
Inspector of Police,
Sanakri Police Station,
Salem District.
(Crime No.282 of 2019)

.. Respondents

2. Natesan

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.282 of 2019 pending investigation on the file of the Respondent.

For Petitioner : Mr.V.Vadivel

For Respondent 1 : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 3(s), 3(2)(va) of SC/ST Act r/w Sections 147, 148, 294(b), 323, 324 and 506 (ii) of IPC, in Crime No.282 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is A1. The case of the prosecution is that the defacto complainant belonging to Scheduled Caste and the petitioner has intimidated the defacto complainant regarding property dispute and scolded him by referring his Caste in filthy language.

3. The learned counsel appearing for the petitioner would submit that the petitioner has nothing to do with the offence as alleged by the prosecution and the defacto complainant is a real estate broker and he demanded commission/interest even without any sale transaction done through him and he provoked the petitioner.

4. The learned Public Prosecutor would submit that the petitioner indulged in intimidating the defacto complainant who belongs to the Scheduled Caste. Therefore, the crime has been registered against the petitioner under the provisions of Scheduled Castes and Scheduled Tribes Act.

5. Considering the nature of offences alleged against the petitioner and also considering the fact that anticipatory bail cannot be granted in respect of offences punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court feels it appropriate to direct the petitioners to surrender before the learned Principal District Judge cum Special Judge for Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Salem, within a period of two weeks from the date of receipt of a copy of this order and file a bail application and on filing such bail application, the learned Judge is directed to consider the bail application of the petitioner on merits and pass appropriate orders on the same day of his surrender. The petitioner is directed to comply with the provision under Section 15(A) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. Accordingly, the Criminal Original Petition is disposed of.

-sd/-
10/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
SALEM.

2 THE PRINCIPAL DISTRICT JUDGE CUM SPECIAL JUDGE
FOR SCHEDULED CASTE AND SCHEDULED TRIBES
(PREVENTION OF ATROCITIES ACT, 1989),
SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

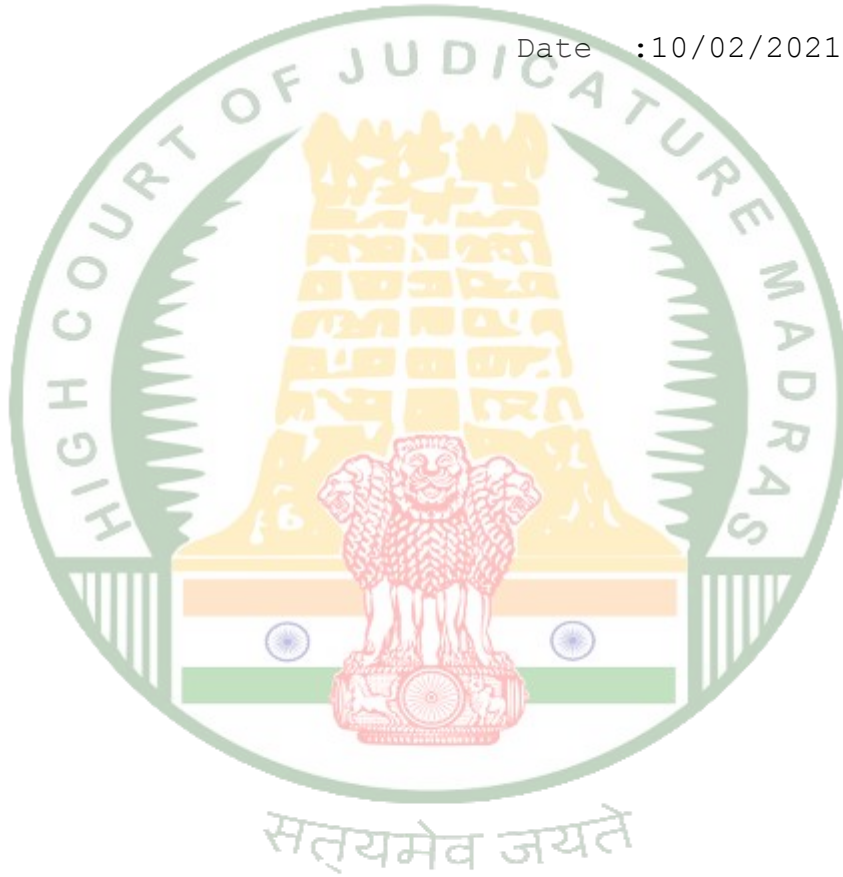
4 THE INSPECTOR OF POLICE,
SANAKRI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. V.VADIVEL Advocate on payment of necessary
charges SR NO. 1486

CRL OP.5268/2020

Date :10/02/2021

MN-18/02/2021



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