



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One
PRESENT

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The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.19600 of 2021

HARIHARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.531 OF 2021.

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S. C.S.SARAVANAN Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 294(b), 323, 307, 506(ii) IPC and 3(1)(r), 3(1)(s), 3(2)(v) of Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act 1989 in Crime No.531 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant belongs to the same community and both are in the same political party. There was a dispute between them regarding non affixing of photo of the incharge member in a poster. In this connection, the defacto complainant along with nine others went to the petitioner's house and asked about the same, due to which, the petitioner along with two other accused alleged to have abused them by caste name and assaulted and threatened them with dire consequences and caused injury to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner belongs to SC/ST Community. Hence, launching of Criminal Prosecution under the provision of SC/ST (Prevention of Atrocities) Act against the petitioner is not sustainable. Therefore, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) concedes the submission and submits that the petitioner also belongs to SC/ST Community.

5. Though there is a bar under Section 18 of the SC/ST Community Act for granting anticipatory bail, however the fact that the petitioner also belongs to SC/ST Community and therefore launching of prosecution against the petitioner under the provisions of SC/ST (Prevention of Atrocities) Act is not sustainable, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchengode on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/10/2021

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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 JUDICIAL MAGISTRATE,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
TIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.11566

CRL OP.19600/2021

Date :21/10/2021

INBA-01/11/2021