



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05/10/2021

WEB COPY

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD). No.14453 of 2021

Bharathi, ... Petitioner/Accused No.3  
Vs

1. The Deputy Superintendent Of Police,  
Samayanallur,  
Madurai District..

2. The Inspector of Police,  
Alanganallur Police Station,  
Madurai District.

... Respondents No.1 & 2  
/Complainants

3. V.Ilambarithi,

... Defacto Complainant  
/ 3<sup>rd</sup> Respondent

For Petitioner : Mr.J.Lawrance, Advocate.

For Respondent : Mr.P.Kottai Chamy,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 285 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the second respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.285 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 14.06.2021 at about 09.00 p.m., when the defacto complainant was going from Sikkandar



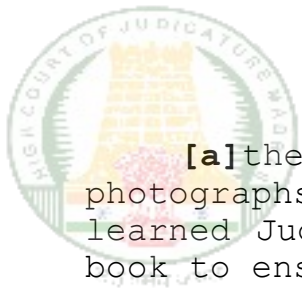
complainant, abused him in filthy language and commented on his caste name. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person, he has been falsely implicated in this case and he belongs to the Scheduled Caste Community. Hence, Section 18 is not a bar for granting anticipatory bail to the petitioner. He would further submit that the defacto complainant and the petitioner are close relatives and the petitioner was not at all present in the alleged occurrence. However, to show his bonafide, the petitioner has come forward to pay a sum of Rs.10,000/- to the credit of Crime No.285 of 2021.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that in this case, there are totally 13 accused persons. The petitioner is the friend of the other accused and they have assaulted the defacto complainant and others and also damaged the vehicles. To prove the same, the respondent Police has also produced the photographs of the damaged vehicles.

5. Considering the submission made by the learned counsel for the petitioner that the petitioner belongs to the Scheduled Caste community, this Court directed the respondent Police to ascertain whether he belongs to the Scheduled Caste Community or not. After verification, the respondent Police has submitted before this Court that the petitioner belongs to Scheduled Caste Community. Since the petitioner belongs to the Scheduled Caste Community, the offence under Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes would not attract as against the petitioner and there is no bar for granting anticipatory bail under Section 18 of the Scheduled Caste and Scheduled Tribes Act. Hence, considering the nature of offence, antecedents of the petitioner and his willingness to pay a sum of Rs.10,000/- to the credit of Crime No.285 of 2021, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.285 of 2021 before the learned III Additional District Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Madurai. On such deposit, 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 III Additional District Sessions Judge (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further



[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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 petitioner 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/10/2021

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/ /2021

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

ssb

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE III ADDITIONAL DISTRICT SESSIONS JUDGE  
(SPECIAL COURT FOR SCHEDULED CASTES AND  
SCHEDULED TRIBES (PREVENTION OF ATROCITIES)  
ACT, 1989, MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,  
SAMAYANALLUR,  
MADURAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



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.LAWRANCE J Advocate SR.No.31359(F) dated 06/10/2021

ORDER  
IN  
CRL OP(MD) No.14453 of 2021  
Date :05/10/2021

PKP/SKN/SAR-1/22.10.2021/4P/6C