



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

Date : 15/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.20220 of 2022

Vijayan Ganapathi

... Petitioner/Accused No.4

Vs

The State Rep. By,

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ilayangudi Police Station,
Ilayangudi, Sivagangai District.

2.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi, Sivagangai District.
(Crime No.281 of 2022)

3. Manjula

... Respondents/Complainants

For Petitioner : M/s.Lajapathi Roy T,
Advocate.

For R1 & R2 : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

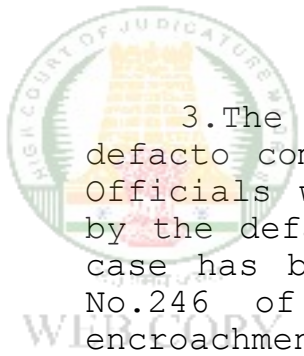
PRAYER :-

For Anticipatory Bail in Crime No.281/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323 and 506(i) of IPC and 3(i)(r), 3(l)(s) of Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance,
2015 and Section 4 of TNPHW Act in Crime No.30 of 2020, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused abused the defacto complainant by using her caste name,
attacked her and also threatened her with dire consequence. Hence,
the complaint.



3.The learned counsel for the petitioner would submit that the defacto complainant was an encroacher of the Government land. The Officials were taken enormous steps to clear the encroachment made by the defacto complainant and she abused the officials. Hence, a case has been registered against the defacto complainant in Crime No.246 of 2022. The petitioner and others had agitated the encroachment made by her. Due to which, the defacto complainant lodged a false complaint against the petitioner and others. He would further submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that accused persons abused the defacto complainant by using her caste name and also threatened her. He would further submit that the petitioner and the defacto complainant belong to the same community and the petitioner is having two previous cases and investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

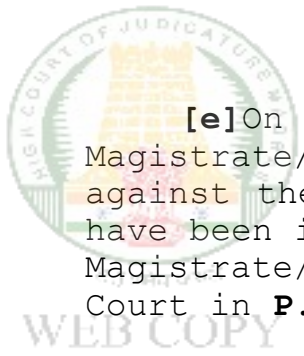
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Sessions Judge for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Sivagangai, 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 learned Magistrate concerned and on further conditions that:

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

[b]the petitioner shall report before 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/-
15/11/2022

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/12/2022

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

TO

1. THE SPECIAL SESSIONS JUDGE,
SPECIAL CASE FOR SCHEDULED CASTES AND SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) ACT, 1989,
SIVAGANGAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
ILAYANGUDI POLICE STATION,
ILAYANGUDI, SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION, ILAYANGUDI,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate (SR-13129[I] dated 16/11/2022)

ORDER
IN
CRL OP(MD) No.20220 of 2022
Date :15/11/2022

cp
USK/BUC/SAR-II/07.12.2022/3P/6C