



Crl.O.P.No.6154 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 324, 427, 307 and 506(ii) IPC r/w. Section 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.33 of 2023, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Chandrasekaran is that he belongs to Adi Dravidar community, while so, there was a dispute between him and his neighbour Jaisankar in respect of the housing plot. While so, on 24.01.2023 the said Jaisankar along with 15 other persons came to his house with armed weapon abused him and his wife and also assaulted him with wooden log, as a result, he sustained fracture in his hands. Thereafter, one Prakash, Subash and Mani have assaulted him by calling caste name and also kicked him and threatened him. Hence the complaint.



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3.The learned counsel for the petitioner would submit that the petitioner is a practising advocate and A1 in this case. He would submit that on account of property dispute, a false complaint has been given. He would submit that the petitioner and the defacto complainant belong to same Adi Dravidar community and the dispute is not on account of, caste or communal rivalry and admittedly it is on account of a civil dispute. He would submit that the petitioner has approached this Court seeking for quashing the charges against the petitioner in so far as the offences under sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and this Court in Crl.O.P.No.2595 of 2023 by order dated 09.03.2023 quashed the charges against the petitioner under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. He would submit that the victim has been discharged from the hospital. Hence, he seek to grant anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit though the petitioner belongs to Scheduled Caste and Scheduled Tribes



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community, he along with other accused have abused and assaulted the defacto complainant and his wife and other accused have called the defacto complainant and his wife by caste name. Hence, he opposed to grant of anticipatory bail.

5. Heard the learned counsel and perused the materials available on record.

6. Taking into consideration the facts, this Court finds that the petitioner and the defacto complainant belong to Adi Dravidar community, this Court in Crl.O.P.No.2595 of 2023 by order dated 09.03.2023 had quashed the charges against the petitioner under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and further, it is also seen that the dispute between the petitioner and the defacto complainant is not on account of caste, it is on account of a civil dispute. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. 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 on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Kalasapakam**, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 everyday at 6.30 p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either



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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 229A IPC.

17.03.2023

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