



CRL OP(MD).No.5540 of 2024

WEB COPY

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

Date : 12.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5540 of 2024

Anees Rahuman

... Petitioner/ Sole Accused

Versus

The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.53 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.K.Yasar Arafath, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.53 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.53 of 2024, for the offence under Section 304(A)



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IPC r/w. Sections 7, 8 and 9 of the Prohibition of Employment as Manual Scavengers and Rehabilitation Act 2013, has filed this petition seeking anticipatory bail.

2. The deceased was working as Scavenger in Thondi Municipality. The defacto complainant is the wife of the deceased. On the date of occurrence, at 7.00 p.m, the petitioner called the deceased to clean the septic tank in his house. The deceased and two others went to the petitioner's house. While cleaning the septic tank, the deceased died due to suffocation.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he is in no way connected with the alleged occurrence. He further submits that due to vengeance, this case has been foisted against the petitioner. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor strongly opposes for grant of anticipatory bail on the ground that the offence under the SC/ST (POA) Act is also attracted in this case and as per Section 18 of the Act, there is a bar for grant of anticipatory bail and the petitioner has to approach the Special Court.

5. Considering the submission made by the learned Additional Public Prosecutor that the offence under the SC/ST (POA) Act is also attracted in this case, this Court is not inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to file a petition for appropriate direction.

sd/-
12/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

To

1.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.5540 of 2024
Date :12/04/2024

ED/ VR /SAR- (23/04/2024) 3P / 3C

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