



CRL OP(MD). No.5715 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5715 of 2024

1. R.Madhan
2. A.Thangam
3. A.Esthar @ Esthar Rani

... Petitioners/ Accused Nos.2, 3 & 5

Vs

The Inspector of Police,
D-1.Thallakulam Police Station,
Madurai City.
(Crime No.880 of 2022)

... Respondent/Complainant

For Petitioners : Mr.I.Pinaygash, Advocate.

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

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

PRAYER :-

To enlarge the Petitioners/ Accused Nos.2, 3 and 5 on anticipatory bail in STC No.6327/2023 on the file of the learned Chief Judicial Magistrate, Madurai in Cr.No.880/2022, dated 14.12.2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners are the accused in STC No.6327/2023 on the file of the learned Chief Judicial Magistrate, Madurai, have approached this Court seeking anticipatory bail. The said case was registered for the offence under Sections 147, 294(b), 323 and 506(1) of IPC in Crime No.880 of 2022, on the file of the respondent police.



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2.The case of the prosecution is that on 14.12.2022 at 03.00 p.m., during the DRO enquiry, the petitioners abused and intimidated the defacto complainant and also attacked him in front of the DRO office.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have been falsely implicated in this case.

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 they have to approach the Special Court for bail.

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 petitioners.

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

sd/-

16/04/2024

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/04/2024

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

SJI

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TO

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1 . THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

2. THE INSPECTOR OF POLICE,
D-1.THALLAKULAM POLICE STATION,
MADURAI CITY.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-4500[I] dated 17/04/2024)

ORDER
IN

CRL OP(MD) No.5715 of 2024

Date :16/04/2024

RS/JGB/SAR-(22.04.2024) 3P 5C

Madurai Bench of Madras High Court is issuing
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