



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.A.No.70 of 2022

S.Geetha (F/51)

..Appellant/Petitioner/Accused

Vs.

1. The State, rep by its
Deputy Superintendent of Police
Palladam, Tiruppur.
2. The State, rep by its
Inspector of Police
Mangalam Police Station
Tiruppur District.
3. Saravana Kumar
S/o.Bannari
Awareness and Monitoring Committee Member
Adi Dravidar Welfare Department
162, Ambethkar Nagar
1st Railway Gate, Near Kongu Main Road
Tiruppur - 641 607.

..Respondents/Complainants

PRAYER: Criminal Appeal filed under Section 14(a)(2) of SC & ST (Prevention of Atrocities) Act, 1989, to call for the records pertaining to Crl.M.P.No.115 of 2022 on the file of the Principal Sessions Judge, Tiruppur District, and set aside the order dated 19.01.2022, and enlarge the appellant on bail in Cr.No.649 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Prabakaran, Senior Counsel
Assisted by Mr.MA.Gowthaman

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

O R D E R

This appeal is preferred against the rejection of bail application filed by the appellant/accused in Crl.M.P.No.115 of 2022 before the Principal Sessions Judge, Tiruppur District.



2.1 The case of the prosecution is that an FIR came to be registered in Cr.No.649 of 2021 on the file of the respondent police for the offences under Sections 3(1)(r) and 3(1)(s) of the SC & ST (Prevention of Atrocities) Amendment Act, 2015, based on the complaint given by Mr.Saravana Kumar, Member, Awareness and Monitoring Committee, Adi Dravidar Welfare Department, against the appellant herein.

2.2 The appellant is working as Headmistress in Government High School, Iduvai, Tiruppur District. The allegation is that the appellant had caused the children from SC/ST community to clean the toilets in the school, and would abuse these children with reference to their caste. The FIR further states that there were earlier allegations about the same made to the Educational Department, based on which, an enquiry was stated to have been initiated by the Department, and the appellant was suspended from her service.

3. Mr.S.Prabakaran, learned Senior Counsel appearing for the appellant submitted that the allegations made against vis-a-vis the appellant are motivated and that the appellant is falsely implicated in the case, and she is being victimised.

4. This Court has directed notice to the defacto-complainant. The online tracking report of India Posts produced by the appellant's counsel indicates that it was not delivered. However, since the defacto-complainant has made a complaint in his official capacity as the member of Awareness and Monitoring Committee, Adi Dravidar Welfare Department, the learned Government Advocate undertook to represent him, including the other respondents.

5. The learned Government Advocate would submit that the appellant has been found abusing the children from SC/ST community and that she had forced them to clean the toilets which was against their will. He added that the appellant is in judicial custody from 19.01.2022.

6. After carefully weighing the rival submissions, this Court deems it appropriate to allow this appeal. Accordingly, the present appeal is allowed and the order dated 19.01.2022 passed in CrI.M.P.No.115 of 2022 on the file of the Principal Sessions Judge, Tiruppur is set aside. The appellant is ordered to be released on bail on the following conditions:

- (i) the appellant shall be released on bail on she executing bond for a sum of Rs.25,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal District and Sessions Judge, Tiruppur.



WEB COPY

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District and Sessions Judge, Tiruppur, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iv) the appellant shall stay in Madurai and sign before the Judicial Magistrate, Court No.I, Madurai, on every alternate days at 10.30 a.m. until further orders;

(v) on breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed, and the appellant released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

(vi) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

7. The learned counsel for the appellant submitted that as per the order of suspension served on the appellant, she is directed not to leave the station. This is clarified that the said direction given by the Department in the order of suspension of the appellant will not go in the way of this Court directing the appellant's stay in Madurai, as part of the bail condition, till the said condition is modified in any manner known to law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Principal District and Sessions Judge
Tiruppur.



2. The Judicial Magistrate Court No.I,
Madurai.

3. The Superintendent of Prison,
Central Prison
Coimbatore.

4. The Deputy Superintendent of Police
Palladam, Tiruppur.

5. The Inspector of Police
Mangalam Police Station
Tiruppur District.

6. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Copy To

The Section Officer,
Criminal Section,
High Court,
Madras - 104.

+2cc to Mr.MA.Gowthaman, Advocate, S.R.No.8463 (10/02/2022)

Crl.A.No.70 of 2022

SR(CO)
RGA(10/02/2022)