



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON :24.01.2022

DELIVERED ON :03.02.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.8 of 2022

Ilango @ Vinaitheerthan .. Appellant/Petitioner/Accused
Vs.

1.The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District. .. Respondent/Respondent/
Investigation Officer

2.The Inspector of Police,
Poolankurichi Police Station,
Thiruppathur Taluk,
Sivagangai District.
(Crime No.28 of 2021) .. Respondent/Respondent/
Complainant

3.A.Selvam .. 3rd Respondent/3rd Respondent/
Defacto Complainant

Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) 2015 r/w. Section 382 of Cr.P.C., to set aside the order passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai in Crl.M.P.No.1743 of 2021, dated 03.01.2022 and consequently, enlarge the petitioner on bail in Crime No.28 of 2021 on the file of the respondent police.

For Appellant : Mr.P.Thoothai Muniasamy

For R1 & R2 : Mr.K.Sanjay Gandhi
Government Advocate

For R3 : Mr.S.M.Anantha Murugan

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai, in Crl.M.P.No.1743 of 2021, dated 03.01.2022 and enlarge the appellant on bail.



2. The case against the appellant is that he insulted the defacto complainant, who belonged to the Scheduled Community. A case in Crime No.28 of 2021 was registered by the respondent police, against the appellant, under Sections 3(1)(r), of SC / ST (POA) Act, 1989. The appellant filed a petition for bail in Crl.M.P.No.1743 of 2021. That petition was dismissed by the Special Court on 03.01.2022. Against the same, the appellant has preferred this Criminal Appeal.

3. On the side of the appellant, it is stated that there is no specific averment against this appellant in the complaint. The appellant is 68 years old. The allegation is that the appellant and others sent a complaint to the Collector and that the appellant is the first signatory. No caste name was ever used by the appellant. The defacto complainant is an influential person and he registered a false complaint against the appellant. The appellant is in custody from 24.12.2021 and that he was injured by dog bite and he needs treatment and prayed the appellant to be released on bail.

4. On the side of the respondents, it is stated that the appellant is a Panchayat President. He was arrested on 24.12.2021. He issued pamphlets against the defacto complainant and he used his cattle to destroy the saplings planted by the defacto complainant and prayed the appeal to be dismissed.

5. It is seen that the appellant is in custody from 24.12.2021. Considering the age of the appellant and considering the necessity for him to undergo treatment for dog bite, this Court is inclined to release the appellant on bail. Hence, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) the appellant shall not tamper with evidence or witness either during investigation or trial.
- (iv) the appellant shall cooperate with the investigation and the appellant shall appear before the second respondent and Court both



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during investigation and trial, as and when required.

(v) The appellant shall appear before the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai, daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation ;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court 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 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]**.

Sd/-

Assistant Registrar (CRL)

// True Copy //

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Sessions Judge, Special Court
for Exclusive Trial of Cases under SC / ST (POA) Act, 1989,
Sivagangai
 - 2.The Deputy Superintendent of Police,
Thiruppathur, Sivagangai District.
 - 2.The Inspector of Police,
Poolankurichi Police Station,
Thiruppathur Taluk,
Sivagangai District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.B.Arun, Advocate (SR.No.3800)

Crl. A.(MD)No.8 of 2022
03.02.2022

MGJ(04.02.2022) 3P 6C

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