



Crl.A.No.28 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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Geetha

... Appellant

Vs.

1.The State,
rep. by the Deputy Superintendent of Police,
Perundurai Police Station, Erode District.

2.The Inspector of Police,
Perundurai Police Station,
Perundurai, Erode District.

3.Jayanthi
(Crime No.885 of 2022)

... Respondents

Prayer: Criminal Appeal has been filed under Section 14(A)(2) of Scheduled Caste and Scheduled Tribes Act, 1989 to set aside the order passed by the learned Principal District and Sessions Judge, Erode in Crl.M.P.No.3954 of 2022 dated 02.01.2023 and enlarge the appellant/accused on bail in connection with the Crime No.885 of 2022 dated 30.11.2022 on the file of the Inspector of Police, Perundurai Police Station, Erode District.

For Petitioner : Mr.V.Sivalingam

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl. Side) for R1&R2

Mr.K.C.Karl Marx for R3



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ORDER

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Challenging the impugned order passed in Crl.M.P.No.3954 of 2022 dated 02.01.2023 on the file of the learned Principal District and Sessions Judge, Erode, this Criminal Appeal has been filed under Section 14(A)(2) of Scheduled Castes and Scheduled Tribes Act, 1989.

2. The learned counsel for the appellant has submitted that the respondents 1 and 2 had registered a case against the appellant in Crime No.885 of 2022 on 30.11.2022 for the offences under Sections 284 of IPC, 75 of Juvenile Justice (Care and Protection of Children) Act 2015 and 3(1)(r), and 3(1)(j) of SC/ST(POA) Amendment Act, 2015, in pursuance of the complaint given by one Jayanthi, who is the third respondent/defacto complainant. On the basis of the complaint, the police registered a case and arrested the appellant/accused on 03.12.2022 and remanded her to judicial custody. The learned counsel has further contended that the petitioner is working as Headmistress in the Panchayat Elementary school, Palakkarai, and alleged victims are studying in that school. The allegation against the appellant/accused is that she directed the victim students to clean the toilets used by the students in the school and the brother of the defacto-complainant/third respondent with a view to spread the same in the media, subsequently taken the photograph to prove that the victims have cleaned the toilets. The learned



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counsel further submitted that the appellant is in the judicial custody from 03.12.2022 and a Final Report has also been filed and hence seeks to grant bail to the appellant.

3. The learned Government Advocate(Criminal Side) appearing for respondents 1 and 2 objected for granting bail to the appellant on the ground that the appellant, who is the Headmistress of the school, used the students studying in the school for manual scavenging of the school toilets and hence, the bail petition may be dismissed.

4. The learned counsel appearing for the third respondent/defacto complainant objected to grant bail contending that the appellant/accused has used the students studying in the school for cleaning the toilets with the poisonous cleaning substance, which would affect the health of the children. The learned counsel further contended that the third respondents son Bhuvanesh, aged about 10 years, who is studying in V standard in that school also used for the said cleaning work and suffered with illness. Hence, the bail petition may be dismissed.

5. On a perusal of the materials on record, it is seen that the respondents 1 and 2 had registered a case in Crime No.885 of 2022 on 30.11.2022 for the offence under Sections 284 of IPC, 75 of Juvenile Justice (Care and Protection of Children) Act 2015



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and 3(1)(r), and 3(1)(j) of SC/ST(POA) Amendment Act, 2015 against the appellant on a complaint given by the mother of the victim, the third respondent herein. A perusal of the allegation in the FIR is that the victim Bhuvanesh, aged about 10 years, who is studying in V standard in the Panchayat Elementary School, belonged to Hindu Sakkiliyar Community and on 21.11.2022, he was admitted in the hospital for treatment of Dengue Fever. On enquiry, it came to know that he was engaged by the school Headmistress, the appellant herein, for cleaning the school toilets, due to which, he suffered. In such circumstance, the defacto complainant/third respondent lodged a complaint against the appellant and a case has been registered and investigation has also been completed and Final Report also filed.

6. Considering the period of incarceration suffered by the appellant and Final Report has also been filed in this case, this Court is inclined to enlarge the appellant on bail. Accordingly, the order under challenge is set aside and the criminal appeal is allowed.

7. Accordingly, it is ordered as follows.

(i) The appellant is directed to be enlarged on bail on condition that ***the appellant shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with***



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two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Erode.

(ii) The appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The appellant shall appear before the Trial Court as and when required.

27.01.2023

Index:Yes/No
Internet:Yes/No
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Note: Issue the copy of the judgment on 30.01.2023.

To

- 1.The Principal District and Sessions Judge, Erode.
- 2.The Superintendent, Women Central Prison, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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