



Crl.A.No.196 /2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.A.No.196 of 2023

D. Pachiappan

... Petitioner

..Vs..

1. The Deputy Superintendent of Police,
Polur Sub Division,
Polur, Polur Taluk,
Thiruvannamalai District.
2. The Inspector of Police,
Kadaladi Police Station,
Kalasapakkam Taluk,
Thiruvannamalai District.
3. C. Arumugam

... Respondents

Prayer:- Criminal Appeal filed under Section 14(A) (2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 to set aside the order passed in Crl.M.P.No.177/2023 dated 21.02.2023 by the Special Court for Exclusive Trial of Cases under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvannamalai and consequently enlarge the appellant on bail in respect of Crime No.48 of 2023 on the



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file of the Deputy Superintendent of Police, Polur Sub Division Station,
Thiruvannamalai District, pending investigation.

For Appellant : Mr.S.B.Viswanathan

For Respondents : Mr.A.Gokulakrishnan, APP
for R1 and R2
R3- notice served, not appeared

JUDGMENT

This Criminal Appeal is filed by the petitioners challenging the order passed in Crl.M.P.No.177 of 2023 on 21.02.2023 by the Special Court for Exclusive Trial of Cases under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvannamalai refusing to grant bail to the petitioner.

2. The learned counsel for the petitioner submitted that the respondent police registered a case in Cr.No.48 of 2023 for the offences under sections 294(b), 324, 506(i) IPC, r/w. sections 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on 10.02.2023 on the allegation that the petitioner attacked



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the defacto complainant with chair and also abused him in a filthy language by calling his caste name and due to the assault made by him, the defacto complainant sustained fracture on his hand. On enquiry, the the petitioner was arrested on 10.02.2023 by the respondent police. Seeking to enlarge the petitioner on bail, he filed Crl.M.P.No.177 of 2023 before the Special Judge, Special Court for Exclusive Trial of Cases under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvannamalai, who, by order dated 21.02.2023 dismissed the petition on the ground that the petitioner attacked his superior officer and investigation in this case is still pending. He further submitted that now the victim has been discharged from the hospital and the petitioner has been in judicial custody since 10.02.2023. Thus he prayed to enlarge the petitioner on bail.

3. The learned Addl. Public Prosecutor, on the other hand, supporting the impugned order, objected for granting bail. However, he fairly conceded that the victim has been discharged from the hospital and investigation is still pending.



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4. Considered the submissions of learned counsel appearing for both sides and perused the entire material evidence on record.

5. On perusal of records, it is seen that a case has been registered by the respondent police against the petitioner upon the complaint given by one Arumugam. The incident took place with regard to functioning of the school on 09.02.2023 at about 10.55 a.m. Both the complainant and the petitioner/accused are teachers working in same school. The allegation against the petitioner is that he assaulted the complainant and caused fracture on his hand and also abused the victim by calling his caste name. Now the complainant has been discharged from the hospital.

6. Considering the nature of the allegation levelled against the petitioner and also taking note of the fact that the petitioner and complainant are working in the same school and the victim has been discharged from the hospital, this court is inclined to enlarge the petitioner on bail on certain conditions.



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7. Accordingly, the petitioner is released on bail on complying the following conditions:

- (i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the The Special Court for Exclusive Trial of Cases under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvannamalai
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the abovesaid Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and
- (iii) The petitioner shall appear before the above said Court as and when required for interrogation.

8. The Criminal Appeal is allowed accordingly.

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msr

Index:yes/no

Internet:yes/no

To

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1. The Special Court for Exclusive Trial of Cases under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvannamalai
2. The Deputy Superintendent of Police, Polur Sub Division, Polur, Polur Taluk, Thiruvannamalai District.
3. The Inspector of Police, Kadaladi Police Station, Kalasapakkam Taluk, Thiruvannamalai District.
4. The Public Prosecutor, High Court, Madras.
5. The Superintendent, Central Prison, Vellore.

V. SIVAGNANAM, J.



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