



Crl. A.(MD)No.916 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.10.2023

Pronounced on : 10.2023

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THE HONOURABLE MR. JUSTICE P.VADAMALAI

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Immanuvel

... Appellant

Vs.

1.State through,
The Deputy superintendent of Police,
Sivakasi Sub-Division,
Virudhunagar District.

2.The State Rep. by its
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

3.Dayalan Parnabash,
The Chairman,
C.S.I, Mentally Disabled School,
Satchiapuram,
Sivakasi,
Virudhunagar District.

.. Respondents



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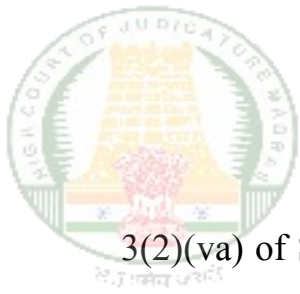
Prayer : This Criminal Appeal is filed under Section 14(A)(2) of SC/ST (POA) Act, 1989 as Amended by Act 1 of 2016, to set aside the order of the learned Special Court for trial of SC/ST (POA) Act Cases, (FAC), Virudhunagar District at Srivilliputhur in Cr.M.P.No.3247 of 2023 dated 03.10.2023 and enlarge the petitioner/appellant/sole accused on bail in Crime No.303 of 2023 on the file of the first respondent police.

For Appellants	: Mr.M.Jagadeesh Pandian
For R1 and R2	: Mr.B.Nambiselvan Additional Public Prosecutor
For R3	: No Appearance

JUDGMENT

This Criminal Appeal has been filed to set aside the order of the learned Special Court for trial of SC/ST (POA) Act Cases, (FAC), Virudhunagar District at Srivilliputhur in Cr.M.P.No.3247 of 2023 dated 03.10.2023 and enlarge the petitioner/appellant/sole accused on bail in Crime No.303 of 2023 on the file of the second respondent police.

2. According to the prosecution the appellant said to have committed the offence punishable under Sections 323, 506(i) of IPC and Sections 3(1)(r), 3(1)(j),



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3(2)(va) of SC/ST (POA) Amendment Act, 2016 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 67 of Information Technology Act, 2000.

3. The case of the prosecution is that on 14.09.2023 the appellant, who is working as Teacher in the third respondent's school had insisted three special children to clean the toilet in the school and also assaulted them and further he took video graph of the cleaning process and also published in the social media.

4. The learned counsel for the appellant would submit that the case of the prosecution is entirely false and the case is a foisted one against the appellant and he has not committed any offence as alleged by the prosecution. He would further submit that due to previous enmity between the appellant and the defacto complainant, the present complaint has been given against the appellant. He would further submit that the appellant was arrested and remanded to judicial custody on 14.09.2023 and he is in judicial custody for more than 35 days. He would further submit that the appellant is willing to produce sufficient sureties for the appearance and the appellant will never abscond and will not tamper the witnesses and hence he seeks to grant bail to the appellant.



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5. The learned Additional Public Prosecutor appearing for the first and second respondents would submit that the appellant insisted three special children to clean the toilet in the school and he took video graph of the cleaning process and also published in the social media. He further submitted that the appellant attacked one of the children and caused simple injuries and also submitted that no previous case is pending against the appellant and the investigation is almost over.

6. Considering the above facts and circumstances, considering the period of incarceration and also the fact that no previous case is pending against the appellant, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 03.10.2023 passed in Cr.M.P.Nos.3247 of 2023 on the file of the learned Special Court for trial of SC/ST (POA) Act Cases, (FAC), Virudhunagar District at Srivilliputhur.

7. Accordingly, this Criminal Appeal is allowed and the order dated 03.10.2023 passed in Cr.M.P.No.3247 of 2023 on the file of the learned Special Court for trial of SC/ST (POA) Act Cases, (FAC), Virudhunagar District at Srivilliputhur is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)



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with two sureties, each for a like sum to the satisfaction of the learned Special Court for trial of SC/ST (POA) Act Cases, (FAC), Virudhunagar District at Srivilliputhur, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for trial of SC/ST (POA) Act Cases, (FAC), Virudhunagar District at Srivilliputhur, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall stay at Salem and report before the Annadhanapatti Police Station, daily at 10.30 am and 5.30 p.m., until further orders, except on hearing dates.

(c) the appellant shall not tamper with evidence or witnesses either during investigation or trial.

(d) the appellant shall co-operate with investigation.

(e) On breach of any of the aforesaid conditions, the learned Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed by the Trial Court himself as laid down by the



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Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

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(f) If the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

.10.2023

Index : Yes/No

Internet : Yes/No

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To

1.Special Court for trial of SC/ST (POA) Act Cases, (FAC), Virudhunagar District
at Srivilliputhur.

2. The Deputy superintendent of Police,
Sivakasi Sub-Division,
Virudhunagar District.

3.The State Rep. by its
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

4.The Superintendant,
District Prison,
Virudhunagar.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J

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