



**Crl.A(MD)No.874 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 11.01.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.ILANGO VAN**

**Crl.A(MD)No.874 of 2022**

**Mahendran**

**.. Appellant/Sole Accused**

**Vs.**

**1.The Deputy Superintendent of Police,  
Kodaikanal Sub Division,  
Dindigul District.**

**2.The Inspector of Police,  
Kodaikanal Police Station,  
Dindigul District.**

**(Crime No.323 of 2022) ... Respondents 1 & 2/Complainants**

**3.Alagesan ... 3<sup>rd</sup> Respondent/Defacto Complainant**

**Prayer :** This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Amendment Act), 1989, Amendment Act 1 of 2016, to set aside the order made in Crl.M.P.No.1923 of 2022 on the file of the Special Court of Trial of cases under SC/ST (POA) Act, Dindigul, dated 13.12.2022 and allow the appeal and enlarge the appellant on bail.

**For appellant : Mr.P.T.Ramesh Raja**

**For R-1 & R-2 : Mr.M.Sakthi Kumar  
Government Advocate (Crl. Side)**

**For R3 : MrR.Venkateshwar**



**Crl.A(MD)No.874 of 2022**

## **J U D G M E N T**

WEB COPY

Heard the learned Counsel appearing for the appellant, learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2 and the learned counsel appearing for the third respondent.

2.This Criminal Appeal has been filed to call for the records and set-aside the order passed by the learned learned Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Theni District, dated 13.12.2022 made in Cr.M.P.No. 1923 of 2022 and enlarge the appellant on bail.

3.The appellant, who was arrested and remanded to judicial custody on 08.12.2022, for the offences punishable under Sections 294(b), 353 IPC r/w Section 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act 2015, in Crime No.323 of 2022 on the file of the respondent police, seek appeal bail.

4.The case of the prosecution is that the defacto complainant lodged a complaint stating that on 30.11.2022 an awareness camp was conducted as per the order of the learned Judicial Magistrate, Kodaikanal in the occurrence place. At that time, the appellant alleged to have made a public speech making a derogative remarks against the Government Officials by calling



**Crl.A(MD)No.874 of 2022**

their caste name, etc., Because of the above said public speech the complaint was under depression. On next day, when he about to see the appellant, again he abused him in filthy language, in public place. Out of the above said occurrence a case has been registered in Crime No.323 of 2022 for the offences under Sections 294(b), 353 IPC r/w Section 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act 2015 on 08.12.2022. On the date of registration of the FIR itself the appellant was arrested and remanded in judicial custody.

5. Seeking bail the appellant has filed an application before the trial Court. The trial Court has dismissed the the same. Challenging the above said dismissal the present appeal has been filed by the appellant. He is a political activists and also taking part in protecting environment and as well as Forest area and animals. He is also a rescuer and also produced some sort of paper cuttings.

6. The learned Additional Public Prosecutor would submit that the appellant is a political functionary. Taking advantage of his position, he is making trouble to various officials. There are three previous cases registered against him. Out of which, in one case he was acquitted. Other two cases has



**Crl.A(MD)No.874 of 2022**

been registered for assault.

WEB COPY

7.The learned counsel appearing for the Intervenor/Defacto complainant would submit that the appellant is a habitual offender and also history sheeted person, making trouble to other persons. In the particular case when awareness camp was conducted, he made the above said derogative remarks against the officials. According to him, the person of this nature could not be enlarged on bail.

8.However, considering the fact that on the date of FIR itself the appellant was arrested and remanded in judicial custody for more than 30 days, this Court is inclined to to allow this appeal and grant bail to the appellant with certain conditions.

9.Accordingly, the Criminal Appeal is allowed and the order, dated 13.12.2022 made in Crl.M.P.No.1923 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Dindigul District, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Sessions



**Crl.A(MD)No.874 of 2022**

Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Dindigul District,

and on further condition that:

[a] the appellant shall file an undertaking affidavit to the effect that he will not make any trouble to the Government Officials, defacto complainant and others in future;

[b] the appellant shall appear before the concerned court, daily at 10:30 a.m. until further orders;

[c] the appellant shall not tamper with evidence or witness either during investigation or trial;

[d] the appellant shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the 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 Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

**11.01.2023**

Index : Yes/No

Internet : Yes/No

TM

***Note: Issue order copy on 11.01.2023.***

To

1.The Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases,  
Dindigul District.



**Crl.A(MD)No.874 of 2022**

2.The Deputy Superintendent of Police,  
Kodaikanal Sub Division,  
Dindigul District.

3.The Inspector of Police,  
Kodaikanal Police Station,  
Dindigul District.

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



WEB COPY



***Crl.A(MD)No.874 of 2022***

**G.ILANGO VAN,J.**

TM

**Crl.A(MD)No.874 of 2022**

**11.01.2023**