



CrI.A.No.304 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.304 of 2024

Roopika @ Rubika
W/o.Suresh

... Appellant/A1

Vs.

1.The State rep by
The Deputy Superintendent of Police,
Perambalur.

2.The State Rep by
The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.
(Crime No.33 of 2024).

3.Nallu

... Respondents

Prayer: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, to allow the appeal and set aside the order dated 05.03.2024 passed in CrI.M.P.No.22 of 2024 by the learned Sessions Judge, Special Court for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



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Perambalur and enlarge the appellant on bail in Crime No.33 of 2024 pending on the file of the second respondent police.

For Appellant : Mr.M.Vijaya Ragavan
For Respondents-1 & 2 : Mr.S.Raja Kumar
Additional Public Prosecutor
For Respondent-3 : Ms.Jahar Aara Begum
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order in Crl.M.P.No.22 of 2024 dated 05.03.2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur and enlarge the appellant on bail in connection with Crime No.33 of 2024 on the file of the second respondent Police.

2.The appellant, who is A1 in Crime No.33 of 2024 for offences under Sections 294(b), 323, 355 and 506(i) of IPC @ 294(b), 323, 355 and 506(i) of IPC r/w Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was arrested by the



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respondent police on 27.02.2024. The appellant filed a bail application before the learned Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur in Crl.M.P.No.22 of 2024 and the same was dismissed vide impugned order, dated 05.03.2024. Aggrieved over the same, the present Criminal Appeal is filed.

3.The case against the appellant is that the appellant picked up a quarrel with her neighbour with whom she was having some money lending dispute. On 24.02.2024 at about 07.00 a.m. the appellant is said to have used abusive words and to avoid the same, the de-facto complainant went to take the bike, which was standing near the appellant's house. At that time, the appellant abused him, punched him on his face and also hit with broomstick on his head. The appellant's husband also hit him all over his body. Hence, the de-facto complainant took treatment at Perambalur Government Hospital as inpatient. From the hospital, information sent to the respondent police and F.I.R. registered. The admitted position of the appellant is that there was a money dispute between the appellant and the de-facto complainant for quite some time and they are also living as



neighbours, knowing well about the social status of each other. In the complaint, there is no reference to any usage of prohibitory language calling the de-facto complainant by his caste name. Initially, F.I.R. was registered for offence under Sections 294(b), 323, 355 and 506(i) of IPC. Thereafter, on 27.02.2024, an alteration report dated 25.02.2024 has been submitted. From the alteration report there is nothing to show that the appellant called the de-facto complainant/victim by his caste name in public, thereby committing the offence under SC/ST Act.

4.The learned Additional Public Prosecutor submitted that the appellant was arrested and she has been in remand. As regards the other two accused, namely, her husband Suresh and brother-in-law Sekar, both were absconding. The appellant and her family members are doing money lending business. They lend some money and demand repayment but on their own terms, which was not acceptable to the de-facto complainant's family, hence there was some dispute. Taking advantage of the social status, the appellant, her husband and brother-in-law abused and assaulted the de-facto complainant. Now investigation is at the preliminary stage and two



other accused were absconding. Hence, strongly opposed for granting bail.

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5.The learned Legal Aid Counsel appearing for the third respondent/de-facto complainant submitted that the appellant and the de-facto complainant are residing nearby. The appellant demanded huge money from the de-facto complainant without proper accounting and reason, which was objected by the de-facto complainant. The appellant hailing from dominant community, abused the de-facto complainant calling by his caste name and also assaulted him. The de-facto complainant was injured, took treatment in Government Hospital as inpatient. She further submitted that the investigation is pending, two other accused have to be arrested. Hence, strongly opposed for granting bail to the appellant.

6.Considering the submissions made and on perusal of the materials, it is seen that the appellant and the de-facto complainant are living nearby. They are well aware about each other's financial and social status. The de-facto complainant had taken loan from the appellant and there was some dispute with regard to the same. Due to which, the appellant is said to have



abused the de-facto complainant for seeking return of money. In the complaint, there is no reference to any usage of prohibitory word calling the de-facto complainant by his caste name. In the alteration report though section was altered, under what circumstances and for what reason the section was altered, there is no details. Added to it, it is only a money dispute. Further, the appellant is in confinement from 27.02.2024. In view of the same, this Court is inclined to grant bail to the appellant 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 each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur;

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(iii)the appellant shall appear before the second respondent

Police as and when required for interrogation.

(iv)The appellant shall not give any inconvenience or trouble knowingly or unknowingly to the 3rd respondent, failing which, the bail shall be cancelled without any further reference.

(v)the appellant shall not commit any offences of similar nature;

(vi)the appellant shall not abscond either during investigation or trial;

(vii)the appellant shall not tamper with evidence or witness either during investigation or trial;

(viii)on breach of any of the aforesaid conditions, the learned Judicial 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]***;



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(ix)if the accused thereafter absconds, a fresh FIR can be

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7.In view of the above, the impugned order in Crl.M.P.No.22 of 2024, dated 05.03.2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur is set aside and the Criminal Appeal is, accordingly, allowed.

26.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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Note: Issue Order Copy on 26.03.2024.



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To

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- 1.The Deputy Superintendent of Police,
Perambalur.
- 2.The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.
- 3.The Sessions Judge,
Special Court for Trial of Cases under SC & ST (POA) Act,
Perambalur.
- 4.The Superintendent of Police,
Central Prison-Women,
Trichy.
- 5.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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