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Crl.A.No.581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Crl.A.No.581 of 2024

Dr.G.Senthilkumar

... Appellant

Vs.

The State Represented by

1.The Deputy Superintendent of Police,
(Law and Order),
Office of the DSP, Kadambadi,
Nagapattinam.

2.The Inspector of Police,
Vellipalayam Police Station,
Nagapattinam District.
(Crime No.123 of 2024)

3.Mrs.M Sathya

... Respondents

PRAYER: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order of the Hon'ble District and Sessions Court, Nagapattinam, passed in Crl.M.P.No.1244 of 2024, dated 8.5.2024 and to enlarge the appellant/petitioner on bail pertaining to the crime no.123 of 2024 on the file of the 2nd respondent police.

For Appellant : Mr.K.M.Subramaniam

For R1 & R2 : Mr.S.Vinothkumar,
Public Prosecutor

For R3 : Mr.A.Nagarajan



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JUDGMENT

The petitioner has filed this Criminal Appeal against the order passed by the District and Sessions Judge, Nagapattinam rejecting the bail application of the petitioner vide order dated 08.05.2024 in Crl.M.P.No.1244 of 2024, after the petitioner surrendered before the Court on 08.05.2024.

2. The petitioner is the Principal of ADJ Dharmambal Polytechnic College in Nagapattinam and the petitioner had allegedly used filthy/foul language against the son of the defacto complainant with a caste slur, who was a student of the said college. The petitioner's petition seeking bail has been rejected by the Court below with the following observation;

“As per the FIR, the case has been registered in Cr.No.123/2024, U/s.294(b), 341 of IPC r/w Sec.3(1)(r), 3(1)(s), 3(1)(za)(D) of Schedule Caste/Scheduled Tribes Act. The complaint has been lodged on 30.03.2024 and the FIR has been registered on 11.04.2024. There is delay in registering the FIR. Though, there is a delay in registering FIR it will not be a ground for granting bail. As per the complaint, the petitioner has scolded the defacto-complainant and her son by referring community of themselves with filthy language. Since, the petitioner is the Principal of the college and there is a chance to tampering the witnesses. Hence, this Court has not inclined to allow this application in Cr.M.P.No.1244/2024 at this juncture.



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In the result, this bail petition in Cr.M.P.No.1244/2024 is dismissed.

In the result, the 3rd party petition in Cr.M.P.No.1245/2024 is dismissed.

In the result, this intervener petition in Cr.M.P.No.1246/2024 is allowed.”

3. The learned counsel for the defacto complainant/intervenor opposed the present petition by stating that the petitioner has committed offences under the provisions of the SC and ST Act and also Section 294(b) and 341 of the IPC. It is submitted by the learned counsel for the intervenor that there is a possibility of the petitioner tampering with with the evidence by tutoring the witnesses, who are none other than the staffs of the college and therefore, the petitioner be kept in judicial custody for custodial inquiry for further investigation.

4. I have considered the submissions of the learned counsel for the petitioner and the learned counsel for the intervenor and the learned Public Prosecutor.

5. Though the offences for which the petitioner has been accused of appears to be serious in nature, it may not require, a custodial interrogation for



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further period. Further, the petitioner is a Principal of a College. It may also not auger well in keeping the petitioner in prison for a longer period.

6. Therefore, in the interest of the institution and student community, Court is inclined to modify the order passed by the lower Court in Crl.M.P.No.1244 of 2024 by ordering release of the petitioner on bail, subject to the petitioner complying with the following conditions:

(a) the petitioner shall appear before the learned District and Sessions Judge, Nagapattinam within a period of fifteen days from the date on which the order copy made ready.

(b) the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the defacto complainant.

(c) the petitioner 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 District and Sessions Judge, Nagapattinam.

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

(e) the petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

(f) the petitioner shall not abscond either during investigation or trial.



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(g) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(h) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

24.05.2024

Speaking/non-speaking

Index : Yes/No

Internet : Yes

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C.SARAVANAN, J.

Tsg

To

- 1.The Deputy Superintendent of Police,
(Law and Order),
Office of the DSP, Kadambadi,
Nagapattinam.
- 2.The Inspector of Police,
Vellipalayam Police Station,
Nagapattinam District.
(Crime No.123 of 2024)
- 3.The District and Sessions Court,
Nagapattinam.
- 4.The Superintendent of Prison,
Sub Jail, Nagapattinam.
- 5.The Public Prosecutor,
Madras High Court.

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