

**CRL.A.No.297 of 2025****M.NIRMAL KUMAR., J.**

Today, this matter is listed under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel appearing for the petitioner would submit that in the 6(i) paragraph of the order dated 16.05.2025 in the above Original Petition, satisfaction court for executing a bond has been inadvertently mentioned as *"Special Court for Exclusive Trial of POCSO Act cases, Vellore"* and the same requires to be rectified.

3. In view of the above, Registry is directed to replace the sentence *"Special Court for Exclusive Trial of POCSO Act cases, Vellore"* as *"Special Court for Exclusive Trial of SC/ST (POA) Act cases at Vellore"* in the 6(i) paragraph of the order dated 16.05.2025 .

4. Except the above, other directions remains intact.

5. Registry is directed to make necessary corrections in the order dated 16.05.2025 and issue fresh order copy forthwith to the parties concerned.

13.06.2025



M.NIRMAL KUMAR. , J.

gv

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Special Court for Exclusive Trial of SC/ST (POA) Act cases at Vellore.
2. The Inspector of Police
Melpatti Police Station, Vellore District.
Cr.No.304/2024
3. The Public Prosecutor
High Court, Madras.

CRL.A.No.297 of 2025

13.06.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 297 of 2025

1. Roshan Babu
S/o.Munirathinam,
Karuneegamuthiram Village,
Gudiyatham Taluk, Vellore District.

Appellant(s)

Vs

1. The Deputy Superintendent Of
Police,
Gudiyatham Range, Vellore District.

2.The State Rep By, The Inspector
Of Police,
Melpatti Police Station, Vellore
District. Cr.No.304/2024.

3.SAKTHIVEL
S/o.Saravanan, Irularpatti,
Karuneegasamuthiram Village,
Valathur Post, Gudiyatham Taluk,
Vellore District-635 813.

Respondent(s)

PRAYER: This Criminal Appeal is filed under Section 14(A)(2) of SC/ST Prevention of Atrocities Act seeking to call for the records pertaining to CrI.M.P.No.85/2025, on the file of the Special Court for Exclusive Trial of SC/ST (POA) Act, Cases at Vellore and set aside the order dated 25.02.2025.



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For Appellant(s): Mr.S.Thirugnanam

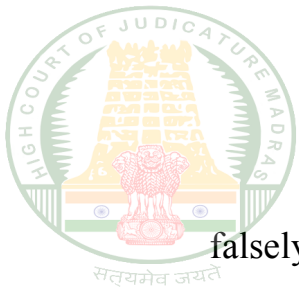
For Respondent(s): Mr.R.Vinothaja, GA (Crl
Side) for R1 And R2

ORDER

This Criminal Appeal has been filed to set aside the impugned order in Crl.M.P.No.85 of 2025, dated 25.02.2025 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Vellore, Vellore District and enlarge the appellants on bail in connection with Crime No.304 of 2024 on the file of the first respondent Police Station.

2.The gist of the case is that on 28.12.2024, the appellant requested the defacto complainant to give him a lift in his bike to Government Middle School When they reached the school, the second respondent asked the appellant to get off the bike, prompting the appellant to allegedly abuse the second respondent with a caste name and attack him with a stone, causing head injuries. Based on the second respondent's statement, the police registered a case against the appellant.

3. Learned counsel for the appellant would submit that the appellant was not aware of the caste of the injured witness and he was



falsely implicated in this case. Hence, the presumption clause under SC/ST Act cannot be invoked against the appellant and prayed for grant of bail to the appellant.

4. Notice to the third respondent victim served, proof filed, no representation for the third respondent.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the case of the prosecution and on instruction submitted that investigation has been completed, charge sheet has been filed and the same is yet to be taken on file.

6. Considering the submissions made and on perusal of the materials, the stage of investigation, this Court is inclined to grant bail to the appellants subject to the following conditions.

(i) The appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety each for a like sum to the satisfaction of the Special Court for Exclusive Trial of POCSO Act cases, Vellore.

(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 respondent Police as and when required for interrogation.

(iv)The appellant shall not give any inconvenience or trouble knowingly or unknowingly to the 2nd 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;

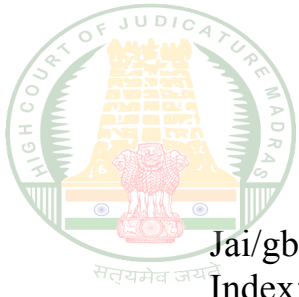
(vii)the appellant shall not tamper with evidence or witness either during investigation or trial;

(viii)on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the appellants 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]***;

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

7. In view of the above, the impugned order in CrI.M.P.No.85 of 2025, dated 25.02.2025 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Vellore, is set aside and the Criminal Appeal is, accordingly, allowed.

16-05-2025



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Jai/gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To



1. The Deputy Superintendent Of
Police,
Gudiyatham Range, Vellore District.

2. The State Rep By, The Inspector
Of Police,
Melpatti Police Station, Vellore
District. Cr.No.304/2024.

3. The Superintendent,
Central Prison, Vellore.
4. The Special Court for
Exclusive Trial of POCSO
Act Cases, Vellore.
5. The Public Prosecutor,
Madras High Court, Chennai.



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**M.NIRMAL KUMAR
J.**

Jai/gbi

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2025**

16.05.2025