

Crl.A(MD)No.417 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A(MD)No.417 of 2025

Vallarasu

... Appellant

Vs

1.State of Tamil Nadu

Represented by

The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

2.The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
(Crime No.27 of 2025)

3.Chellammal

4.Ayyasamy

... Respondents

PRAYER: Appeal filed under Section 14-A(2) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the records relating to the order in Cr.M.P.No.86 of 2025,



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before the Special Court for exclusive trial of cases under SC/ST (POA) Act, Sivagangai, dated 19.03.2025.

For Appellant : Mr.R.Senthil Kumar
For R1 & R2 : Mr.A.S.Abul Kalam Asad
Government Advocate
R3 : Party in person

J U D G M E N T

This appellant is A3 in Crime No.27 of 2025, on the file of the SIPCOT Police Station, Sivagangai, registered for the offence under Sections 126(2), 296(b), 118(1), 351(3) of BNS, 2023 and Sections 3(1)(r) & 3(1)(s) of SC/ST (POA) Act, 1989, in pursuant to which, he was arrested on 13.02.2025. The application filed by this appellant before the Special Court for Exclusive trial of SC/ST Act in Crl.MP.No.86 of 2025, for bail was dismissed by the trial Court, by its order, dated 19.03.2025. Challenging the same, the appellant has filed this Criminal Appeal in Crl.A(MD) No.417 of 2025 under Section 14A(2) of SC/ST(POA) Act.



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2.Since the case in Crime No.27 of 2025 was registered including the provisions under Sections 3(1)(r) & 3(1)(s) of SC/ST (POA) Act, 1989, this Court has ordered notice to the third respondent. The third respondent has entered appearance through his counsel, namely, Mr.Bagavath Singh. The learned counsel for the third respondent sought time to represent his case.

3.This Court is of the view that when the counsel has entered appearance for the defacto complainant, he ought to have been prepared with a copy of the FIR as well as the instructions on the objections of the defacto complainant for grant of suspension of sentence to this appellant. Considering that this appellant is in jail from 13.02.2025 and also there will be consecutive holidays for next five days, this Court is inclined to proceed with the available materials, after hearing the submissions of the learned Government Advocate.

4.The case of the prosecution is that the defacto complainant is the mother of the victim, namely Ayyasamy S/o Raman, who lodged



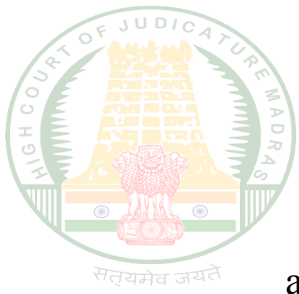
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a complaint before the respondent police. When the victim Ayyasamy proceeded from his College to Melapidavoor on 12.02.2025 around 6.30 pm, an old age man crossed the vehicle of the victim Ayyasamy. Therefore, the victim advised that old age man and when attempting to start the vehicle, the accused persons, namely, Vinoth, Aathiswarran, Vallarasu restrained the victim, scolded him by his caste name and the first accused has also attacked him. The victim escaped from the spot, informed his mother/the third respondent herein about the incident and thereafter, he was admitted in the Government Hospital, Manamadurai. The third respondent has lodged a complaint, based on which, a case in Crime No.27 of 2025 was registered.

5.The learned counsel appearing for the appellant submits that:-

- i. The appellant is in jail from 13.02.2025.
- ii. There is no specific overt act as against this appellant.
- iii. The major overt act is as against A1.
- iv. The investigation in Crime No.27 of 2025 has been completed



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and a charge sheet has been laid, however, it is yet to be taken on file by the concerned Court.

- v. There is no reference as to the offence under the provisions of SC/ST (POA) Act, however, the case has been registered including the offence under Sections 3(1)(r) & 3(1)(s) of SC/ST (POA) Act, 1989.

6.The learned Government Advocate appearing for the official respondents submits that :-

- i. The victim has suffered grievous injuries.
- ii. He has been discharged from the hospital, as on date.
- iii. There is a communal tension in Melapidavoor Village.
- iv. Though there is no specific overt act as against this appellant, he has accompanied the co-accused at the time of occurrence.
- v. After investigation, a final report was filed in Crime No.27 of 2025, before the PCR Court, Sivagangai and it is yet to be taken on file.



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7.This Court considered the rival submissions made and also perused the materials placed on record.

8.This appellant was arrested on 13.02.2025, pursuant to the registration of a case in Crime No.27 of 2025 and since then he is in jail. It is reported that the investigation has been completed and final report has also been filed. The defacto complainant /the third respondent has been represented through his counsel, however, she has failed to give instructions on her objections to the counsel. This Court has perused the First Information Report. As pointed out by the learned counsel for the appellant, there is no reference about the offence, which attracts the provisions under the SC/ST (POA) Act, however, the final report has been filed including the offences under Sections 3(1)(r) & 3(1)(s) of SC/ST (POA) Act, 1989. Since the learned Government Advocate claims that there is communal tension, this Court is inclined to allow this Criminal Appeal, by placing this appellant in a far away place.



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9. Accordingly, this Criminal Appeal is allowed and the order passed by the learned Special Court for exclusive trial of cases under SC/ST (POA) Act, Sivagangai, in Cr.M.P.No.86 of 2025, dated 19.03.2025, is hereby set aside. The appellant is ordered to be released on bail on the following conditions:-

i) The appellant shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act, Sivagangai.

ii) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The appellant shall stay at Nagercoil and report before the Inspector of Police, Nesamani Nagar Police Station daily at 10.30 a.m., until further orders.



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iv)The appellant shall file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not involve in any offence in future and will not visit the place of occurrence.

v) The appellant shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The appellant shall co-operate for the investigation.

vi) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.

09.04.2025

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To
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- 1.The Special Court for Exclusive trial of cases under SC/ST(POA) Act, Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.
- 3.The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
- 4.The Inspector of Police,
Nesamani Nagar Police Station,
Nagercoil.
- 5.The Superintendent,
District Prison,
Ramanathapuram.



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B.PUGALENDHI, J.,

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Judgment made in
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