

CRL MP(MD) No. 8288 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 8288 of 2025

in

CRL A(MD) No. 712 of 2025

Thirumalaisamy

...Petitioner

Vs.

1.The State of Tamilnadu

Represented by

The Deputy Superintendent of Police,

Puliankudi Sub Division,

Tirunelveli District.

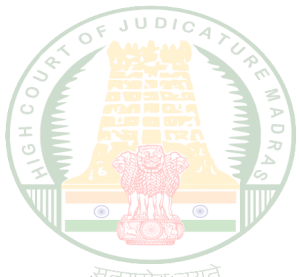
(Puliankudi Police Station),

(Crime No.438 of 2016)

2.Muniammal

...Respondents

PRAYER : This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023/Section 389(1) of Cr.P.C, to suspend the execution of sentence by granting bail in S.C.No.281 of 2025 on the file of the Principal District & Sessions Court, Tenkasi District and set aside the judgment dated 11.06.2025 by acquitting the appellant and



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by allowing the appeal.

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For Petitioner: Mr.V.Kathirvelu

Senior Counsel

for Mr.K.Prabhu

For R1 : Mr.K.Gnanasekaran

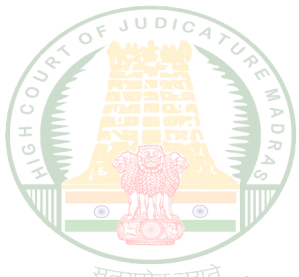
Government Advocate(crl.side)

ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment imposed on the petitioner by the learned Principal District Judge, Tenkasi, in S.C.No.281 of 2025, dated 11.06.2025 and enlarge him on bail pending disposal of above appeal.

2.The petitioner is the sole accused, who has been charged for the offences under Sections 3(1)(r), 3(2)(va) and 3(1)(s) of SC/ST Act and Section 506(i) IPC and Section 4 of TNPHW Act. After the conclusion of trial, he was found guilty for the charges under Section 3(1)(r) of SC/ST Act and convicted and sentenced to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.1,000/- in default to undergo 1-month Simple Imprisonment. Aggrieved over that, the accused has preferred this appeal.

3.As per the case of the prosecution, on 03.12.2016 at about 5:00 p.m., due to some previous enmity, the accused came to the lands of PW1 and PW2, while they

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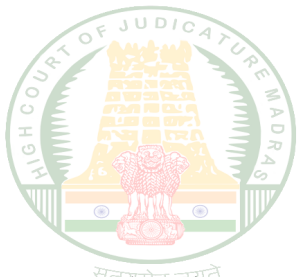
were undertaking some agriculture work and abused them in filthy language by making caste remarks and threatened them that he would kill them.

4.The learned counsel for the petitioner submitted that even as per the case of the prosecution, the occurrence has not taken place in any public view and it has taken place in the lands of the complainant and that was ignored by the learned trial Judge.

5. A specific charge has been framed under 3(1)(s) of SC/ST Act and the trial Court has found the accused not guilty and acquitted. Even the offence under Section 3(1)(r) of SC/ST Act should have been committed in the public view, but a different interpretation has been made by the trial Court in respect of the offence under Section 3(1)(r) of SC/ST Act, though the appellant has been acquitted under Section 506(2) IPC.

6.The defacto complainant, who is present today along with her husband, has stated that the appellant will be inimical towards her if released on bail. She further stated that she may happen to go to the street, where the house of the accused is situated for the purpose of fetching water from the public tap connection, situated therein.

7. However, the learned counsel for the petitioner submitted that the petitioner will not go in the sight of the defacto complainant and he shall not cause any threat



either by signs, words or action.

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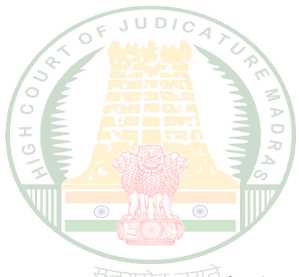
8. It appears that the trial court has granted an interim suspension and the same is still in subsistence.

9. Though the accused has made out a ground for appeal, there is no possibility to take up the appeal immediately and also considering the undertaking given on behalf of the appellant, I feel it is appropriate to suspend the sentence of imprisonment alone on conditions.

10. Accordingly, this petition is allowed and the substantive part of the sentence of imprisonment alone is suspended on the following conditions:

- (i) that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Tenkasi;
- (ii) that the petitioner shall appear before the said Court once in a month (i.e., on the first working day of every English Calendar month) at 10.30 a.m. till the disposal of appeal.

11. While hearing the defacto complainant today, this court could hear an incidental lamenting from her that it was difficult to get a little share of water from the common water tap situated in the street where the other community people reside. Persons who belong to Scheduled caste community have to wait to take their



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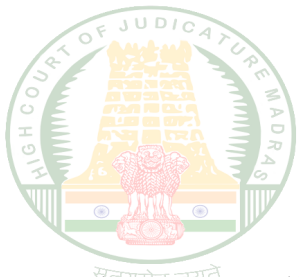
share of little water from the public tap until the water needs of the other
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communities are fulfilled.

12. Natural resources like water is common to all. It is surprising and pathetic to note in this scientific age, that some communities needs to compete with the other communities and stand second in order to get their share from the resources dedicated to the public good. Is not the human race one Community? Though various legislations have been brought to protect the vulnerable sections from the oppressive lot who think they are superior and privileged, things at certain grass root level still remains the same.

13. It may not be easier to remove the class or caste mentality in the minds of certain individuals that easily. But people in authority cannot be mute spectators and be indifferent to these tales. Being so, would amount to contributing or subscribing to these meanness of minds. Nor are they expected to do some stunts for a make belief that they are the best Samaritans and that they do something heroic. What is needed is some practical solution and noiseless action. Sometimes the serenity of action is lost in empty noises. Being aware and sensitive of these realities and do things which can be done in the best of the powers vested in the authorities is the need of the hour.

14. Democracy assures rule of law not the rule of the mighty. A fragile old woman of 65 years, laments before this Court that the days have not changed and



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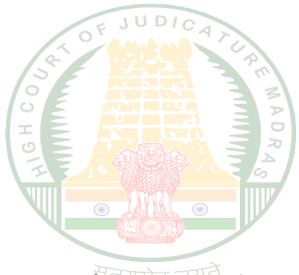
they are still facing the oppression at the hands of other community even in the matter of sharing of the common resources like water. Water is the elixir of life, and no one can live without water. The entitlement to get uncontaminated good water is a visage of right to life and hence it is a fundamental right. No individual should be allowed to toil their whole of their life to get a hassle free few piles of water and die without even enjoying this basic amenity.

15. A litigant who is not able to get drinking water for her living without much hassles cannot be considered to stand on an equal plank with her adversary. To correct certain flaws or to remedy certain grievances there shall not be any wait. Hence, I am inclined

(i) to direct the District Collector, Tenkasi to take appropriate steps to ensure that such discrimination shall not be the order of the day in the said Thalaivankottai village.

(ii) to take steps to provide sufficient number of water tap connections with sufficient water supply in all the streets by making it clear those connections are for everyone's use, irrespective of their community and no one shall be allowed to take unduly plenty of water to the detriment or deprivation of the other or claim any ownership that any particular tap belongs to one particular community only.

16. Let a copy of this order be sent to the District Collector, Tenkasi forthwith,



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for compliance.

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17. Compliance Report by 31.07.2025. Call on 31.07.2025.

sd/-

14/07/2025

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15/07/2025

Sub-Assistant Registrar ()

Madurai Bench of Madras High Court,
Madurai - 625 023.

cp/cm
TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TENKASI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE, PULIANKUDI SUB DIVISION,
TIRUNELVELI DISTRICT.(PULIANKUDI POLICE STATION)
- 3 THE DISTRICT COLLECTOR, TENKASI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
IN

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in

CRL A(MD) No. 712 of 2025
Date :14/07/2025

NBF/SAR- /15/07/2025/ 7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023