

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.09.2023

PRONOUNCED ON : 29.09.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.Nos.21967 and 20576 of 2023

1.Selva Muthukumar
2.G.Greatwin P Rayen
3.Muthupattan

.. Petitioners in Crl.O.P.No.21967 of 2023

P.Raja Shankar

.. Petitioner in Crl.O.P.No.20576 of 2023

Vs.

State Rep.by Inspector of Police,
Yercaud Police Station,
Salem District.
[Cr.No.153 of 2023]

.. Respondent/Complainant

COMMON PRAYER in both cases: These Criminal Original Petitions are filed under Section 438 of Cr.P.C to grant anticipatory bail to the petitioner in the event of his arrest in connection with Crime No.143 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.Ramesh, Senior Counsel
For Mr.S.Rajkumar in Crl.O.P.No.20576 of 2023

For Petitioner : Mr.C.Iyyapparaj
in CrI.O.P.No.21967 of 2023

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)
in both cases

RMT. TEEKAA RAMAN., J.

The petitioner in CrI.OP No.20576 of 2023 is A.12 and the petitioners in CrI.OP No.21967 of 2023 are A.10, A11 & A.14. They apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 447, 294(b), 323, 324 of IPC and Section 3(2) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act.

2. The case of the prosecution is that there was a retreat function celebrated at Montfort Anglo Indian Higher Secondary School, Yercaud on 06.08.2023 and there was a rivalry between the 12th standard students and 10th standard students in connection with the issue of whose song has to be played first. In the said incident, there was a push and pull. The 12th standard students trespassed into the hostel area of the 10th standard and had

wordy quarrel. After coming to know about the incident, the Principal informed about the incident to the police of the concerned station and the student by name Ritish went away with his brother namely Manikaraja to his home. On 07.08.2023, at about 09.25 a.m., all the petitioners and the other accused entered into the school without getting permission and assaulted the watchman and entered the class room while the class was going on. Students and Teachers suffered injuries and the school properties were damaged.

3(i) The learned Senior Counsel for the petitioner in Crl.OP No.20576 of 2023 would submit that the first incident was said to have been taken place on 06.08.2023 wherein, 12th standard students studying in that particular School were said to have attacked the 10th standard students of the School on a rage over the song selection to be played in the School celebration, resulted in clash. Due to which, 10 persons were said to have been injured. On the next day, the School authorities have informed the parents to take their students, who indulged in such clash so as to maintain calm in the contest. Thereafter, one of the injured person along with others said to have entered and ransacked the School office, which resulted in registration of FIR.

3(ii) The specific contention of the learned Senior Counsel for the petitioner is that the petitioner has just went there and he has not committed any offence and hence, he seeks to give CCTV footage. As against A1, a petition has been filed for anticipatory bail and the same has been dismissed as withdrawn.

4(i) The learned Government Advocate (Crl. Side) for the respondent police would contend that there are totally 13 accused in this case in which, A1 and A2 are cousin brothers of the injured and others are his friends, who alleged to have entered and damaged the School Office and uttered obscene words and misbehaved with the girl students therein.

4(ii) Today, the learned Government Advocate (crl.side) has produced the CCTV footage of what has happened inside the classroom and the outside the building.

5. Heard the submissions of Mr.Ramesh, learned Senior Counsel for the petitioner in Crl.OP No.20576 of 2023, Mr.C.Iyyappa Raj, learned counsel

for the petitioner in Crl.OP No.21967 of 2023 as well as the learned Government Advocate (crl.side) and have gone through the CCTV footage in the mobile phone of the learned Government Advocate (crl.side).

6. The learned Government Advocate (crl.side) has identified these petitioners in the CCTV footage.

7. School is situs for transformation of personality traits and for reformation via love and discipline. Education is a platform for acquisition of knowledge, as knowledge is power. The concept of "uniform, as, dress code", a novel idea as envisaged by Thiru K.Kamraj, former Chief Minister of Tamil Nadu was aimed at exclusion of exclusivity of economical variation amongst students; who took the education to the masses and rendered unparalleled educational services. Forget not, He, the great leader had no formal education, due to family circumstances. It appears that "on-line education" has failed, in all front, to inculcate "value based education", which is a hallmark for human evolution.

7(i) Teachers and Students interface in the class-room mode, appears to supreme, over the other mode (as alternate methods of learning has failed to deliver the goods / deserved results.

8. In the instant case, raises out of selection of song, kuthu song in retreat function conducted by the school, between 10th and 12th standard boys. Whether it is proper for playing such song in such function, this court leaves it to the conscious of the school authority. Hence, this Court is inclined to grant pre-arrest bail for all the petitioners who are all students, now studying in colleges.

9. Accordingly, all the petitioners are ordered to be released on bail in the event of arrest or on their appearance, subject to the following conditions -

(a) all the petitioners are required to appear before the Head Master of the Montfort Anglo Indian Higher Secondary School, Yercaud and each of the petitioner shall execute a bond for a sum of Rs.1000/- ;

(b) to clean and keep the classrooms (not less than 4 class room for each person) clean including black board, table, bench and the floor for a week and also

(c) spend time in the school library and e-library to prepare notes by handwritten (not less than four pages) on -

(i) non-violation from excerpts of Mahatma Gandhi
“சத்திய சோதனை”

(ii) educational schemes promoted by the former Chief Minister Mr.K.Kamraj and

(iii) dream and vision of Dr.Abdul Kalam.

(d) Such articles prepared by all the four students in the above topics have to be handed over to the School Principal with a direction to the School Principal to host the said articles in the school website for one year.

(e) Care should be exercised for, the petitioners shall not make cut – copy – paste from google.

(f) Each of the petitioners shall deposit a sum of Rs.2,000/- to the school (Montfort Anglo Indian Higher Secondary School, Yercaud) account, on or before 10.10.2023.

(g) On such competition, the said School Principal shall report the compliance of the above stated conditions to this Court.

29.09.2023

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Crl.O.P.Nos.20576 & 21967 of 2023

RMT. TEEKAA RAMAN.,J.

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Pre-Delivery order in
Crl.O.P.Nos.20576 & 21967 of 2023

29.09.2023