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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

**CRIMINAL APPEAL No.1541 OF 2023**

Rajesh

... Appellant/accused

-VS-

State,

represented by

1.The Superintendent of Police North,  
SC/ST Act, Puducherry.

2.The Inspector of Police,  
Lawspet Government Quarters out Post  
Police Station,  
Puducherry.  
(Cr no.134 of 2023)

3.Muthukumaran

.. Respondent/complainant

Appeal against the order passed in CrI.MP No.4552 of 2023 dated 21.11.2023 by the Special Judge(FAC) Puduchery under SC/ST Act 1989, enlarge the appellant on bail, who confined in Central Jail, Puducherry.

For appellant : Mr.A.N.Rajan

For respondents : Mr.K.S.Mohandass, Public Prosecutor(P)  
assisted by Mr.N.Danalatchaamy for RR1&2  
Ms.S.Deepika for R3

**JUDGMENT**

Appellant/accused has been convicted by the trial Court in Crime no.134 of 2023 for the offences under Sections 306, 506(ii) IPC and Section 3(i)(s) of the SC/ST(Prevention of Atrocities) Act 1989 & Amendment Act 2015. Challenging the same, the present Appeal has been filed.

2. A case has been registered under Section 3(i)(s) of the SC/ST(Prevention of Atrocities) Act on 09.10.2023 against the appellant/accused. The appellant/accused had approached this Court in CrI.OP No.24582 of 2023 seeking for bail and this Court had directed the petitioner to surrender before the Special Court. Thereafter, the petitioner had surrendered before the Special Court on 16.11.2023. The respondent filed bail objection against the bail petition filed by the appellant/accused in Cr.MP No.4552 of 2023. On 21.11.2023, the learned Special Judge dismissed the bail petition. Against which, the present Appeal has been filed.

3.The case against the appellant/accused is that on 08.10.2023, an



information was received by the Inspector of Police, Lawspet Government Quarters Out-Post Police Station from Indira Gandhi Government Hospital, Puducherry about the death of one Nandhitha, aged about 19 years, who is the daughter of the 3<sup>rd</sup> respondent/complainant. The third respondent, in his complaint, has stated that he has two children namely Sivaprakasam and Nandhitha. Sivaprakasam is studying M.Pharm 1<sup>st</sup> year in Puducherry. Second child, namely Nandhitha, aged about 19 years, was studying in B.Sc, OTT (Operation Theatre Technician), 3<sup>rd</sup> year at Community College in Puducherry and staying in Women's Hostel, Lawspet, Puducherry. One Rajesh of Karasanoor, Mailam District got acquaintance with his daughter through one Sandhiya of Karasanoor Village, who is also studying in the same college. Hence, they were in talking terms with each other and they became friendly to each other. Later the said Rajesh forced her to love him and move with him in close, which was opposed by Nandhitha and she had informed to her parents and they also warned Rajesh about his act and not to cause any unnecessary trouble to his daughter. The said Rajesh had threatened Nandhitha saying that he would post her photos and pictures in social media after morphing as naked and also threatened to send it to her friends. He also insulted her by using her caste name. He had also started harassing and insisting Nandhitha to love him wherever he finds her at



hostel, college and other places. Nandhitha was unable to bear the humiliation and got frustrated and thereafter, she committed suicide by consuming poison or injecting of poison in her body by herself. On 08.10.2023, her brother received a phone call from the hostel inmates and her condition was informed to him, where she was in swooned condition. Immediately, her brother Sivaprakasam rushed to hostel and taken her to Government General Hospital, Puducherry for treatment, wherein, the medical officer examined her and declared as dead.

4.The complaint given by the 3<sup>rd</sup> respondent was registered against the appellant/accused and took up for investigation. During the course of investigation, the 2<sup>nd</sup> respondent seized poison and other articles from the scene of occurrence and a suicidal letter written in red ink was also seized. In the statements recorded by the Investigating Officer, Nandhitha's parents, family members, classmates, hostel-mates and friends have clearly stated about the appellant/accused talking with the deceased regularly, whenever she was either at college or at hostel, etc. taking advantage of earlier relationship and also insulting her by using her caste name and also threatening her that if she does not love him, he would post her photos as naked by morphing and send the same to her friends. On continuous threats



of the appellant/accused, the deceased had committed suicide and in her suicide note, she had clearly written the reasons for taking extreme step of committing suicide.

5.The learned counsel for the appellant/accused contended that the appellant/accused has been falsely implicated in this case and the appellant and the deceased Nandhitha were only friends. Between them a successful relationship was developed, which was not appreciated by her father, the third respondent/ defacto complainant herein and other family members. Prior to the occurrence, they questioned the appellant and abused and assaulted him. The appellant had clearly informed that towards Nandhitha, he has no concern or interest and not willing to continue any relationship with her against the wishes of her parents and it is only due to the third respondent and others compelling the deceased not to continue relationship with the appellant/accused, she had taken extreme step and committed suicide and the appellant/accused is innocent and he was not the reason or cause for the deceased committing suicide. In fact, the third respondent/complainant had made threats against the petitioner and his family members. He further submitted that the recovery of suicide note from the scene of occurrence is highly doubtful. Now the investigation has



been almost completed. The petitioner has been in prison for almost 70 days and therefore, sought for bail.

6. Mr.K.S.Mohandass, the learned Public Prosecutor (Pondichery), on the other hand, while reiterating the averments contained in the counter affidavit, has submitted the details of the investigation, that on 07.10.2023, the appellant/accused had forced the deceased Nandhitha to fell in love to his terms, which was refused by her and hence, the appellant/accused started threatening Nandhitha and insisted her to love him, failing which, he would send her photos and videos by morphing her nude, to her friends and post in social media. Further, the appellant/accused also threatened the deceased that he would also circulate all the photos taken by her along with him when they were in friendly terms. Further, the family members of the appellant/accused had abused and threatened the said Nandhitha, who had come to the hostel and tarnished her image and further the appellant/accused also insulted her by using her caste name and due to unbearable harassment inflicted by the accused, she had taken extreme step and committed suicide.

7. On the information of the hostel room mates, the respondent police had reached the hospital and received the complaint from the third



respondent/complainant. Thereafter, they registered a case and recovered glass bottle with some quantity of liquid therein, syringes, suicidal letter, etc., from the scene of occurrence and prepared observation magazer and rough sketch in the presence of independent witnesses and recorded their statements. The seized articles recovered from the scene of occurrence including the suicidal note would confirm that the deceased Nandhitha took extreme step to commit suicide. In her suicide note, it is clearly mentioned the reason and cause by which, she was compelled to take extreme step of committing suicide. He would further submit that the investigation is at crucial stage and at this stage, if the appellant/accused is granted bail, there is every likelihood of affecting the investigation and hence, the learned Public Prosecutor strongly opposed to grant bail.

8. The respondent police filed counter affidavit stating that the appellant/accused is a common friend to Nandhitha and he got acquaintance with her through one Sandhiya of Karasanoor village of Mailam District. Taking advantage of this, whenever she was going to college and hostel, the appellant/accused used to talk her and insist her to love him for his lust. He has no proper education or employment. Taking advantage of the photographs taken during initial days of friendship, he used to threaten the



deceased Nandhitha to fall in love with him for his lust and when she opposed the same, he had threatened Nandhitha that he would post her photos in social media and face book by morphing her nude, which forced her to take extreme step as she could not bear continuous threatens of the appellant/accused and ultimately, she committed suicide. The learned Public Prosecutor (Pondichery) has submitted that the investigation has been in progress and at this stage, if the petitioner is let out on bail, the investigation would be stalled and there would be every possibility for the appellant/accused to influence the hostel room mates of the deceased and thereby, he strongly opposed to grant bail to the accused/appellant.

9. On perusal of the entire records and on consideration of the submissions made by the learned counsel for the appellant/accused and the learned Public Prosecutor (Pondichery) and the material objects, such as glass bottle with some quantity of liquid, propofol injection, syringes and suicidal note of the deceased, etc., recovered from the scene of occurrence, this Court is not inclined to grant bail to the appellant/accused. Accordingly, this Criminal Appeal is dismissed.

10. At this stage, the learned counsel for the appellant/accused



submits that dismissal of the above petition cannot be looked against him as  
and when any statutory bail application is filed under Section 167 Cr.PC.

11.The learned Public Prosecutor(Pondicherry) submits that the investigation is almost at final stage and charge sheet would be filed in this case well before the statutory period of 90 days.

06.02.2024

Index : Yes

Internet : Yes/No

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M.NIRMAL KUMAR,J.  
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