

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 12.10.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL. APPEAL NO. 624 OF 2017

1. M.Rajendran

2. Malar Kodi

.. Appellants

- Vs -

The State by
Inspector of Police
Kunnam Police Station
Perambalur District.

.. Respondent

Criminal Appeal filed to set aside the order dated 3.10.2017 passed in Crl. M.P. No.810/2017 by the Sessions Judge, Perambalur and to enlarge the appellants on bail in Crime No.447/2017 on the file of the respondent police.

For Appellants : Mr. A.Mohammed Ismail

For Respondent : Mr. K.Madhu, Govt. Advocate (Crl. Side)

ORDER

It is the case of the prosecution that the deceased Sasikala, belonging to Hindu Adi Dravida Community, was married to Duraisamy some 9 years back and she has two children through the wedlock. Her husband, Duraisamy, was working in Chennai and used to pay visit to the family off and on. While so, it is seen that

on 15.9.2017, around 10.30 hours in the night, Sasikala and Mani, who resides in the opposite house were found together in the fields by the petitioners herein, who are the parents of Mani. It is alleged that the petitioners abused Sasikala calling her caste name and asking her to move out of the place on account of which Sasikala committed suicide in the night by hanging.

2. On the complaint lodged by Thangavel, the father of Sasikala, the respondent police registered a case in Crime No.447/2017 on 16.9.17 under Sections 306 IPC and later altered the case to one under Sections 306 IPC and Section 3 (1) (x) and Section 11 of the SC/ST (POA) Act and arrested the Mani (A-1) and these petitioners on 16.9.17. The bail application filed by the petitioners in Crl. M.P. No.810/2017 before the Special Court (Principal District & Sessions Judge), Perambalur, was dismissed on 3.10.17 aggrieved by which the accused are before this Court.

3. Heard the learned counsel for the appellants/accused. On a reading of the FIR, it is seen that Sasikala was found by the appellants in the fields at a very odd time, viz., 10.30 p.m. with their son Mani on account of which they upbraided and chastised Sasikala.

4. Taking into consideration the facts and circumstances of the case and

the fact that the appellants are in incarceration from 16.9.17, this Court is inclined to grant bail to the appellants.

4. Accordingly, the appellants are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Principal District & Sessions Judge, Perambalur (Special Court constituted under the SC/ST Act), and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the Principal District & Sessions Judge, Perambalur, daily at 10.30 a.m. for a period of two weeks and, thereafter, before the respondent police as and when required until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the

learned Principal District & Sessions Judge/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Principal District & Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji – Vs - State of Kerala [(2005)AIR SCW 5560]***.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

12.10.2017

Index : Yes/No

Internet : Yes/No

GLN

Note to Office :-

Issue copy of this order today (12.10.2017)

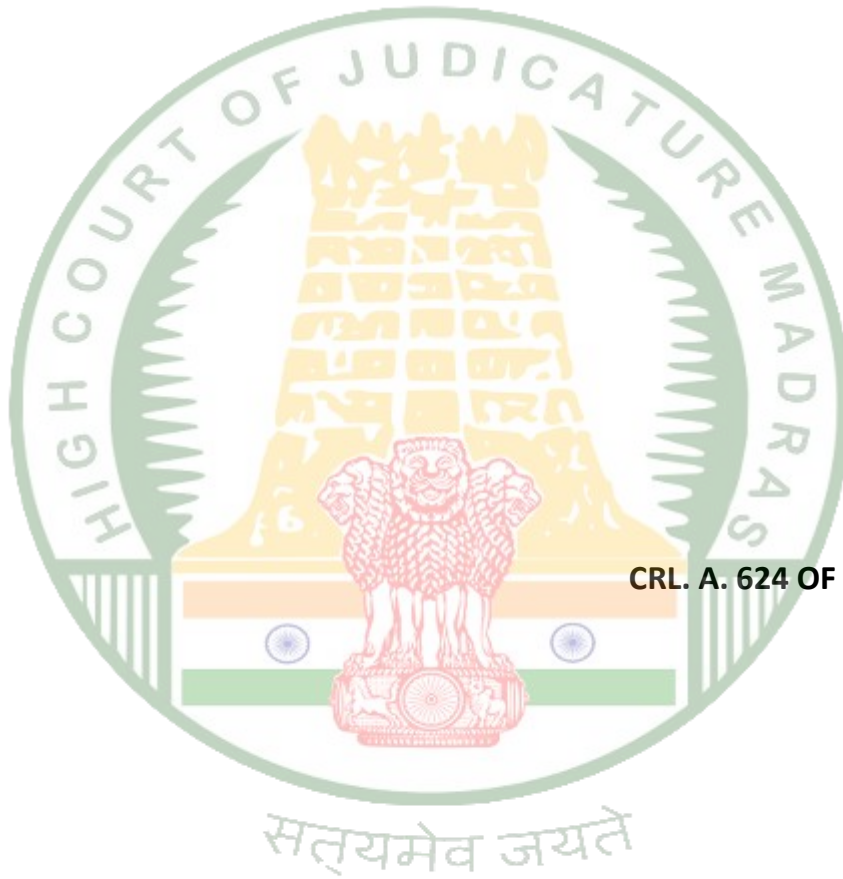
To

1. The Principal District & Sessions Judge
(Special Court under the SC/ST Act)
Perambalur.

2. Inspector of Police
Kunnam Police Station
Perambalur District.

P.N.PRAKASH, J.

GLN



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