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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.849 of 2019

1. Thirumoorthy  
2. Krishnamoorthy

.. Appellants / Accused  
1&2

Vs.

The State rep. by the  
Station House Officer,  
Manalurpet Police Station,  
Villupuram District.  
(Crime No.360 of 2019)

.. Respondent/complainant

Prayer: Criminal Appeal filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act 2015 to call for the records in connection with the order dated 13.11.2019 in Crl.M.P.No.1804 of 2019 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Attrocities) Act and set aside the same and enlarge the Appellants on Bail in connection with Crime No.360 of 2019 on the file of the respondent police.

\* \* \*

For Appellant : Mr.S.Kingston Jerold  
For Respondent : Mr.K.Prabhakar,  
Additional Public Prosecutor

#### J U D G M E N T

Challenging the order of rejection of bail petition, the appellants instituted this appeal.

2. According to the appellants, they were implicated as accused in Crime No.360 of 2019 on the file of the respondent police, based on the alleged complaint given by the defacto complainant for the offences under Sections 417, 376, 294(b), 509, 306 of IPC 4B(1) TNPHW Act, r/w.3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015.



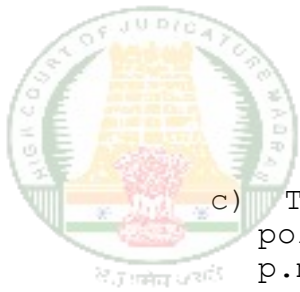
3. Learned counsel for the appellants submitted that the appellants have been falsely implicated in this case and they were arrested and remanded to judicial custody on 24.10.2019. It is also submitted that the daughter of the defacto complainant loved the 1<sup>st</sup> appellant for a quite long time and as the defacto complainant refused to accept the love and opposed the same, his daughter committed suicide, but the defacto complainant lodged a false case against the appellants as if the 1<sup>st</sup> appellant refused to marry the daughter of the defacto complainant, after having sexual intercourse with her. It is the specific contention of the learned counsel for the appellants that the 2<sup>nd</sup> appellant is the brother of the 1<sup>st</sup> appellant and he is nothing to do with the offence as projected by the father of the deceased and she has committed suicide, due to sudden provocation. Without considering the same in proper perspective, the trial Court dismissed their bail application vide the order impugned herein.

4. Heard the learned Additional Public Prosecutor on the above submissions. It is his contention that the first appellant and the deceased were in love with each other for a long period and he had sexual intercourse with her and later, refused to marry her. Hence, the deceased committed suicide. He would further submit that as far as the second appellant is concerned, he is alleged to have threatened the deceased. Thus, he prayed for dismissal of this appeal.

5. Admittedly, the appellants were remanded to judicial custody on 24.10.2019 and they have been confined in the Sub Jail, Villupuram. Considering the facts and circumstances of the case and particularly the fact that the 2<sup>nd</sup> appellant is only the brother of the main accused, this Court is inclined to set aside the impugned order and grant bail to the 2<sup>nd</sup> appellant alone.

6. Accordingly, this appeal stands allowed in respect of A2 alone and the 2<sup>nd</sup> appellant is directed to be released on bail on the following conditions :

- a) The 2<sup>nd</sup> appellant is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each along with two sureties, of whom one should be a blood relative, for a like sum to the satisfaction of the Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST Act, Villupuram.
- b) The 2<sup>nd</sup> appellant and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST Act, Villupuram may obtain a copy of their Aadhaar Card or Bank Pass Books to ensure their identities.



c) The 2nd appellant shall appear before the respondent police everyday at 10.30 a.m. in the morning and 5.00 p.m. in the evening without fail until further orders.

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7. As far as the 1<sup>st</sup> appellant is concerned, considering the gravity of the offence alleged to have been charged against him, this Court is not inclined to grant bail and the appeal stands dismissed as against A1.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

msr  
To

1.The Sessions Judge,  
Special Court for Exclusive Trial of Cases registered under  
the SC and ST, Villupuram

2.The Station House Officer,  
Manalurpet Police Station,  
Villupuram District.

3.The Superintendent, Sub Jail,Villupuram

4 The Public Prosecutor,  
Madras High Court, Chennai-104.

+1cc to Mr.S.Kingston Jerold , Advocate SR.No. 10536

Cr1.A.No.849 of 2019

A.SK(19/12/2019)