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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.351 of 2020

1.Yukeshkumar
2.Rajesh

... Appellants / Petitioners

Vs.

1.State by the Inspector of Police
Arni Taluk Police Station
Tiruvannamalai District.
(Crime No.2305/2020)

... 1st Respondent / Complainant

2.Jothi

... 2nd Respondent / defacto
Complainant

Criminal Appeal filed under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act1/2016, praying to call for the records of the lower Courts and set aside the order passed in Cr.M.P.No.416/2020 by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST(POA) Act, Tiruvannamalai, on 23.7.2020 and to enlarge the appellants/petitioners on bail, in connection with Crime No.2305/2020, pending investigation on the file of the 1st respondent / police.

For Appellants : Ms. M.Rebecca

For R1 : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

For R2 : No appearance

JUDGMENT

This case is taken up through Video Conferencing.

2. This appeal has been preferred seeking to set aside the order dated 23.07.2020 passed in Cr.M.P.No.416 of 2020 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvannamalai, and to enlarge the appellants on bail in Crime.No.2305 of 2020 on the file of the first respondent.



3. On a complaint lodged by the second respondent, the police registered a case in Crime No.2305/2020 on 15.07.2020 for the offences under Section 174(3) of Cr.P.C., for the death of Indira, and later, the case was altered to one under Section 498 (A), 306 of IPC r/w.3(2)(v) of SC/ST(POA) Act, pursuant to which, the police arrested the appellants herein on 17.07.2020. The bail application in Cr.MP.No416/2020, that was filed by the appellants has been dismissed by the Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvannamalai, on 23.07.2020, aggrieved by which, the present appeal has been preferred.

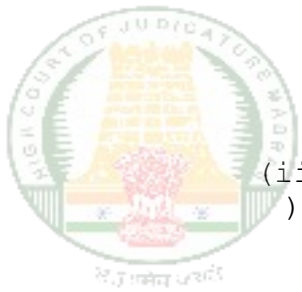
4. Heard Ms.M.Rebecca, learned counsel for the appellants and Mr.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the first respondents/State. Private notice has been served on the second respondent/defacto complainant, and the police have also informed the second respondent, despite which, there is no representation for the second respondent.

5. It is seen that Yukeshkumar (A1), a caste Hindu was in love with the deceased Indira, a Dalit, and they got married against all odds. They were blessed with a male child. On account of some matrimonial discord, Indira committed suicide by hanging, pursuant to which, a case was registered against Yukeshkumar (A1) and his brother Rajesh (A2).

6. Taking into consideration the nature of the allegations and the fact that the appellants are in custody from 17.07.2020, this Court is of the view that, interests of justice will be served if bail is granted to them.

7. Accordingly, the present appeal is allowed by setting aside the order dated 23.07.2020 passed in Cr.M.P.No.416 of 2020 on the file of the Special Court for Trial of Cases under SC/ST Act, Tiruvannamalai, and the appellants are ordered to be released on bail on the following conditions:

- (i) the appellants shall be released on bail on they executing bonds for a sum of Rs.10,000/- each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for Trial of Cases under SC/ST Act, Tiruvannamalai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Trial of Cases under SC/ST Act, Tiruvannamalai, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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- (iii) the appellants shall report before the Special Court for Trial of Cases under SC/ST Act, Tiruvannamalai, on all working days at 10.30 a.m., for a period of two weeks;
- (iv) on breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and
- (v) if the appellants thereafter abscond, a fresh FIR can be registered under Section 229A IPC;

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act
Tiruvannamalai,
2. The Superintendent of Prison,
Central Prison
Vellore.
3. The Deputy Superintendent of Police,
Vellore District.
4. The Inspector of Police,
Arni Taluk Police Station
Tiruvannamalai District.
5. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.
6. The Chief Judicial Magistrate,
Tiruvannamalai.



7.The Joint Secretary to Government,
Public (L & O) Fort St. George,
Chennai.

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