

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15.09.2020

PRONOUNCED ON : 16.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**

Crl.A.No.354 of 2020

Rajkumar

.. Appellants/Accused

Vs.

1.State represented by
The Inspector of Police,
Kanakammachathiram Police Station,
Thiruvallur District.

.. Respondent/Complainant

2.M.Mani

.. Respondent/*de facto*
complainant

Criminal Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity “the SC/ST Act”) to set aside the order dated 25.08.2020 passed in O.L.B.P.No.1495 of 2020 on the file of the Principal District and Sessions Court, Thiruvallur and to enlarge the appellant on bail in Crime.No.1074 of 2020 on the file of the first respondent.

For Appellant : Mr.G.Punniakoti

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

For R2 : Mr.R.Sankarasubbu

JUDGMENT

This case is taken up through video conferencing.

2. This criminal appeal is filed to set aside the order dated 25.08.2020 passed in O.L.B.P.No.1495 of 2020 on the file of the Principal District and Sessions Court, Thiruvallur and to enlarge the appellant on bail in Crime.No.1074 of 2020 on the file of the first respondent.

3. On the complaint lodged by Mani, second respondent herein, that his daughter Manimegalai (aged about 24 years) was in love with the appellant for two years, but, when she approached him on 11.06.2020 to marry her, he refused her on the ground that she was a Dalit and was financially poor and so, she committed suicide on 13.06.2020 by self-immolation.

4. On these allegations, a case in Crime No.1074 of 2020 was registered on 13.06.2020 under Section 174 Cr.P.C. later, which was altered to one under Section 306 IPC r/w 3(1)(xii) of the SC/ST Act. The appellant was remanded in judicial custody on 31.07.2020.

5. The appellant filed O.L.B.P.No.1495 of 2020 in Crime No.1074

of 2020 before the Principal District and Sessions Court, Thiruvallur, for bail, which was dismissed on 25.08.2020, aggrieved by which, the appellant has preferred the present appeal seeking bail.

6. Heard Mr.G.Punniakoti, learned counsel for the appellant, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the first respondent/State and Mr.R.Sankarasubbu, learned for the second respondent/*de facto* complainant.

7. Mr.G.Punniakoti, learned counsel for the appellant submitted that the appellant had nothing to do with the suicide of Manimegalai and he had been arrested by the police on false allegations.

8. *Per contra*, Mr.R.Sankarasubbu, learned for the second respondent/*de facto* complainant submitted that this is a case of honour killing and the appellant should not be shown any indulgence.

9. Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the first respondent/State submitted that the postmortem showed that Manimegalai had died due to burn injuries. She also submitted a copy of

the postmortem report in a sealed cover. This Court carefully perused the postmortem report and found that Manimegalai has suffered 90% burns.

10. Even according to the second respondent/*de facto* complainant, his daughter Manimegalai had gone to Kosasthalai rivulet taking kerosene from her house and had committed self-immolation.

11. It is not the case of the prosecution that the appellant had physical relationship with Manimegalai.

12. In view of the above and taking into consideration the fact that the appellant is in incarceration from 31.07.2020, this Court is of the view that interests of justice will be served if bail is granted to the appellant.

13. Accordingly, the present appeal is allowed by setting aside the order dated 25.08.2020 passed in O.L.B.P.No.1495 of 2020 on the file of the Principal District and Sessions Court, Thiruvallur and the appellant is ordered to be released on bail on the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/-

with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal District and Sessions Court, Thiruvallur;

- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (iii) the appellant shall report before the respondent/police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required;
- (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];
- (v) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC; and

16.09.2020

nsd

To

1. The Principal District and Sessions Judge,
Thiruvallur.
2. The Superintendent of Prison,
Sub-Jail, Chengalpattu.
3. The Inspector of Police,
Kanakammachathiram Police Station,
Thiruvallur District.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.



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