

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.A.No.452 of 2020

Sakthivel
S/o.Kumaran

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Tiruppathur, Tiruppathur District.

2.The Sub Inspector of Police,
Tiruppathur Town Police Station,
Tiruppathur.

3.P.Susila,
W/o.Perumal.

... Respondents

PRAYER: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, to set aside the order of the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, passed in Crl.M.P.No.08/2020 dated 20.10.2020 and enlarge the appellant on bail in connection with the case in Cr.No.1398 of 2020 on the file of the 2nd respondent police.

For Appellant : Mr.S.V.Karthikeyan

For Respondents : Mr.C.Raghavan
Government Advocate

J U D G M E N T

The appellant has filed this petition seeking to set aside the order of the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, passed in Crl.M.P.No.08/2020 dated 20.10.2020 and enlarge the appellant on bail in connection with the case in Cr.No.1398 of 2020 on the file of the 2nd respondent police.

2. The appellant is the husband of the deceased. The appellant/accused in Crime No.1398 of 2020 was arrested on 03.09.2020. Initially, a case was registered under Section 174 Cr.P.C., and thereafter, it was altered to Section 498 (A), 306 IPC r/w. Section 3(2)(v) of SC/ST (POA) Amendment Act, 1989, (as amendment Act) 2015 Act.

3. The case of the prosecution is that the *de facto* complainant, who is the sister of the deceased Poornima Devi had lodged a complaint on 17.08.2020, in which it is stated that the appellant and his sister Poornima Devi loved each

other and got married and they were living separately. Along with them, the father of the deceased was also residing. On 16.08.2020, the deceased and the appellant had visited the parents of the appellant and thereafter, they returned home. At that time, the deceased was in sober mood and when she was enquired about the same, she did not reveal anything. Further, the deceased had picked up a quarrel with the appellant's parents which was questioned by the appellant. On 17.08.2020, at about 1.00 p.m., the appellant had called the *defacto* complainant and informed that Poornima Devi committed suicide and further stated that at that time, he was in the workspot and he received a phone call from the House Owner informing that his wife Poornima Devi had committed suicide by hanging in the bed room fan. Immediately, he rushed to the house and the body was brought down and thereafter, taken to hospital. On the complaint, the police had registered the case, informed the RDO who had conducted the inquest and RDO report is yet to be received.

4. The contention of the learned counsel for the appellant is that the appellant and his wife Poornima Devi loved each other and got married. The appellant had married the victim knowing about her Caste and Community. In view of the same, the question of the appellant subjecting the deceased to harassment on the basis of caste does not arise and also the demand of dowry.

The appellant along with his wife, prior to the occurrence, had visited the parents of the appellant and on that day, there was some quarrel between the appellant's wife and his parents which is not unusual. Thereafter, the next day, the appellant had left for job as usual. The reason for his wife committing suicide is not known to the appellant. The appellant has been falsely implicated in this case and arrested, the appellant is in confinement for nearly 89 days.

5. Learned Government Advocate submitted that in this case, the appellant belongs to Caste Hindu Community and the deceased belongs to ST community. After marriage, the appellant was harassing his wife demanding dowry and also calling her by caste name and subjecting her to cruelty. The demand of dowry and harassment on the basis of the caste was continuous and unable to bear the harassment and cruelty, the deceased had committed suicide by hanging. The death had occurred in the matrimonial home in the bed room of the appellant and the appellant is unable to give any plausible reason for the same. The RDO enquiry has been conducted and the report is awaited.

6. The *defacto* complainant Susila, sister of the deceased was served notice by the appellant and the same was received by her on 12.11.2020. The learned Government Advocate submitted that through the respondent police,

the notice has been served to the *defacto* complainant on 19.11.2020. Thus, Section 15A(4) is complied with. Despite service of notice, no representation for the *defacto* complainant.

7. Considering the submission and also perusal of the material, it is an admitted fact that the appellant and Poornima Devi / deceased in this case had loved each other and got married and they were living separately. Along with them, the father of the deceased was also residing. Since it is a love marriage, the question of dowry demand as well as subjecting the deceased to cruelty and harassment on the basis of caste is remote. The RDO enquiry has been completed. The appellant was arrested on 03.09.2020 and it is almost 89 days since he is in confinement. The learned Government Advocate submits that investigation is still pending.

8. Considering the above facts and circumstances of the case, the appellant is directed to be enlarged on bail on condition that the appellant shall execute a bond for a sum of Rs.10,000/-(rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate No.1, Tiruppathur, within a period of 15 days from the date of receipt of a copy of this order and on further condition that the appellant shall

appear before the respondent police at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

01.12.2020

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Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Note: Issue order copy on 01.12.2020

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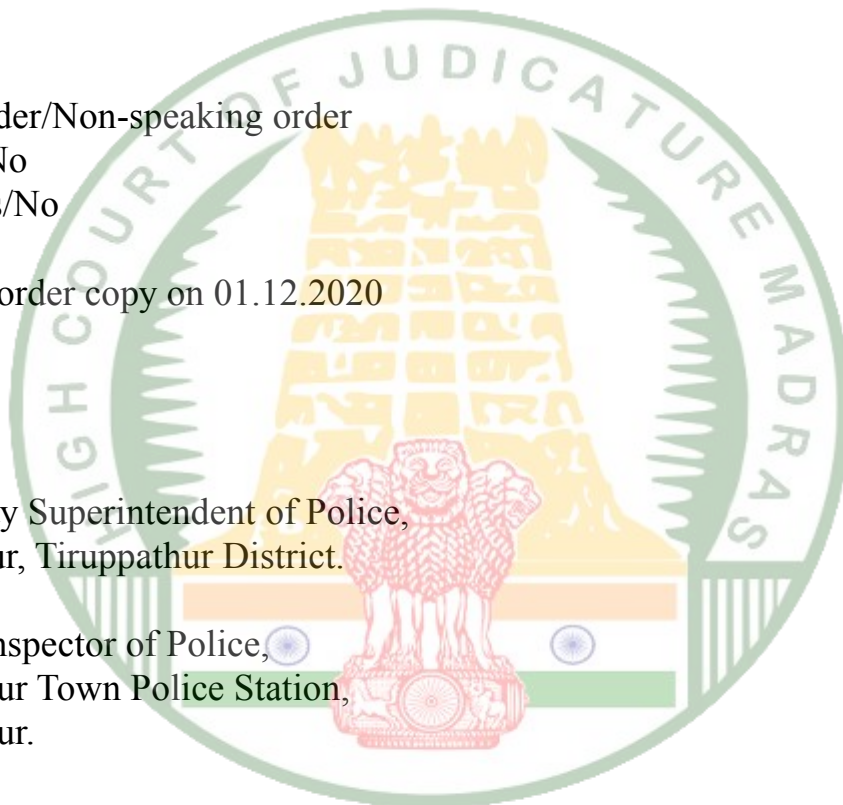
1. The Deputy Superintendent of Police,
Tiruppathur, Tiruppathur District.

2. The Sub Inspector of Police,
Tiruppathur Town Police Station,
Tiruppathur.

3. The Judicial Magistrate No.1,
Tiruppathur.

4. The Central Prison,
Vellore.

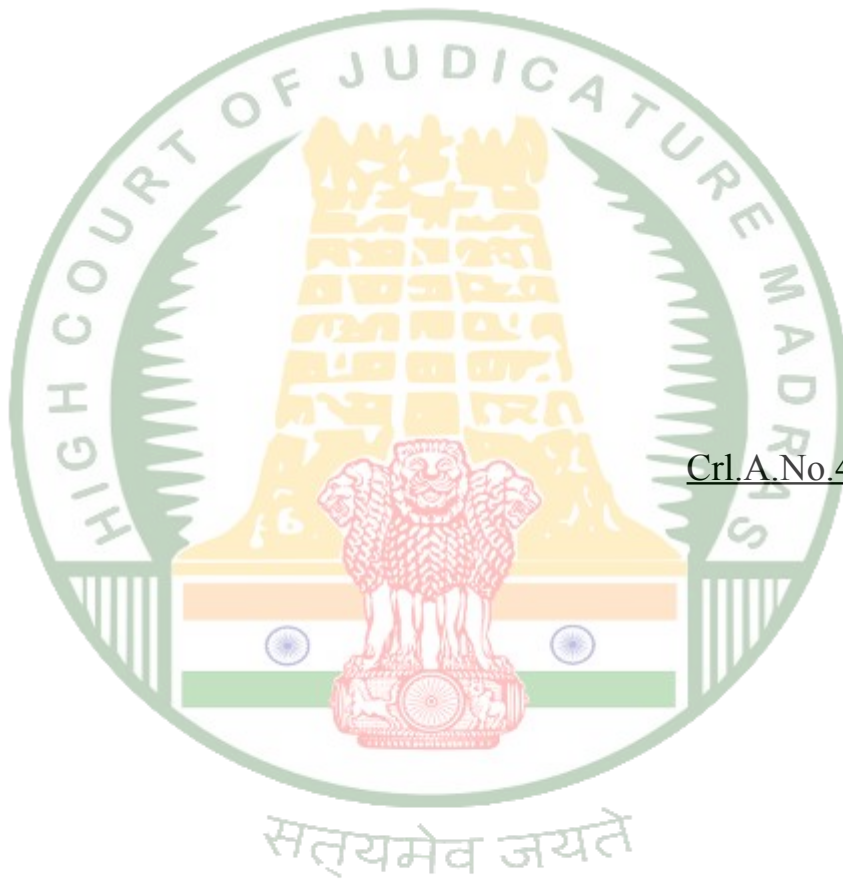
5. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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