

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRL.A.No.174 of 2021

M.Sundarraaj

.... Appellant

.Vs.

1.The State Rep.by
Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai,
Crime No.104 of 2021.

2.The Deputy Superintendent of Police,
Thiruvannamalai Town Sub Division,
Thiruvannamalai.

3.G.Vinoth

... Respondents

Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018 to set aside the order passed in Crl.M.P.No.250 of 2021 dated 19.03.2021 passed by the Special Court for S.C. and S.T (Prevention of Atrocities) Act, Thiruvannamalai and consequently release the appellant on bail in respect of Crime No.104 of 2021 pending investigation on the file of the Inspector of Police, Thiruvannamalai East Police Station, Thiruvannamalai District.

For Appellant : Mr.S.B.Viswanathan

For Respondents : Ms.T.P.Savitha
Government Advocate (Crl.Side)
for R1 and R2

J U D G M E N T

This Criminal Appeal has been filed against the order dated 19.03.2021 in Crl.M.P.No.250 of 2021 passed by the learned Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act, Thiruvannamalai and consequently to release the appellant on bail in respect of Crime No.104 of 2021 pending investigation on the file of the Inspector of Police, Thiruvannamalai East Police Station, Thiruvannamalai District.

2.It is the case of the appellant that the respondent/police registered a case in Crime No.104 of 2021 against him for the offence under Section 174 Cr.P.C., subsequently altered into Section 306 IPC r/w Section 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018 [hereafter 'SC/ST (POA) Act' for the sake of convenience]. The appellant was arrested and remanded to judicial custody on 08.03.2021. Hence, the appellant filed a petition under Section 439 Cr.P.C before the learned Sessions Judge, Special Court for Trial of Cases Under SC/ST (POA) Act, Tiruvannamalai seeking bail. After hearing the arguments, the designated Court, dismissed the petition. Hence, the present Criminal Appeal.

3. The learned counsel for the appellant would submit that initially the case was registered against the appellant for the offence under Section 174 Cr.P.C., subsequently altered into Section 306 IPC and Section 3(2)(v) of SC/ST (POA) Act and the appellant was arrested and remanded to judicial custody on 08.03.2021. He would further submit that the appellant was working as an Junior Assistant in the District Court, Tiruvannamalai, whereas, the deceased was working as a Steno typist in the same Court. Since a marriage proposal was going on for the appellant, due to frustration the deceased committed suicide. The appellant has not induced the deceased to commit suicide and he is in no way connected with the said offence. Therefore, he prays to grant bail to the appellant.

4.The learned Government Advocate (Crl.Side) would submit that the appellant was working as a Junior Assistant in the District Court, Tiruvannamalai, whereas, the deceased was working as Steno typist in the same Court and they had love affair and living together for more than 1 ½ years. On 07.03.2021, when the deceased insisted the appellant to marry her, the appellant refused to marry her stating that she belongs to Scheduled Caste Community. Therefore, she has committed suicide due to frustration. She would further submit that the investigation is pending and the charge sheet is yet to be filed. Hence, she vehemently objected to grant bail to the appellant.

5.Heard the learned counsel for the appellant and the learned Government Advocate (Crl.Side) for the respondents 1 and 2 and also perused the materials available on record.

6.It is seen from the records and the submissions made by the learned counsel on either side, this Court is of the opinion that there is specific overt act attributed against the appellant and also that investigation is pending and charge sheet is not yet filed. Since the deceased committed suicide in

the house of the appellant, if the appellant is released on bail there is possibility of tampering the witnesses and destroy the material evidence.

7.In the light of the above facts and considering the serious nature of the offence, this Court is not inclined to allow this Criminal Appeal by granting bail to the appellant. Accordingly, this Criminal Appeal is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ms
To

- 1.The Sessions Judge,
Special Court for Trial of Cases under
S.C. and S.T (Prevention of Atrocities) Act,
Thiruvannamalai.
 - 2.The Superintendent,
Central Prison,Vellore.
 - 3.The Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai.
 - 4.The Deputy Superintendent of Police,
Thiruvannamalai Town Sub Division,
Thiruvannamalai.
 - 5.The Public Prosecutor,
High Court, Madras.
 - 6.The Deputy Registrar (Criminal Section),
High Court, Madras.
- with a direction to send back the original records, if any, to the trial Court

+1cc to Mr.S.B.Viswanathan, Advocate Sr.24751

CRL.A.No.174 of 2021

ss[co]
srg 08/07/2021