

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Appeal No.364 of 2021

M.Sundarraaj

..Appellant/Petitioner

Vs.

1.The State

Rep. by the Inspector of Police
Thiruvannamalai East Police Station
Thiruvannamalai
(Crime No.104 of 2021)

.. Respondent/Respondent

2. The Deputy Superintendent of Police

Thiruvannamalai Town Sub Division
Thiruvannamalai

..Respondent/Investigating
Officer

3. G.Vinoth

.. Respondent/Defacto

Complainant

Prayer : Criminal Appeal filed under Section 14-A (2) of the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 praying to set aside the order passed in Crl.M.P.No.250 of 2021 dated 19.03.2021 passed by the Special Court for SC/ST (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 Inspect of Police, Thiruvannamalai East Police Station, Thiruvannamalai District.

For Appellant : Mr.S.B.Viswanathan

For Respondents 1&2 : Mr.S.Sugendran

Government Advocate (Crl.Side)

J U D G M E N T

(The case has been heard through video conference)

This Criminal Appeal has been filed against the order passed in Crl.M.P.No.250 of 2021 dated 19.03.2021 passed by the learned Sessions Judge, Special Court for SC/ST (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 Inspect of Police, Thiruvannamalai East Police Station, Thiruvannamalai District.

2. It is the case of the appellant that the respondent police initially registered a case in Crime No.104 of 2021 under Section 174 Cr.P.C., and subsequently altered the case for the offence punishable under Section 306 IPC read with Section 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 (hereafter "SC/ST (POA) Act" for the sake of convenience) by implicating the appellant as an accused and subsequently, the appellant was arrested and remanded to judicial custody on 08.03.2021. Hence, the appellant had filed a petition before the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Tiruvannamalai, seeking bail and after hearing the arguments, the designated Court dismissed the petition by order dated 19.03.2021. Aggrieved by the same, the appellant filed CrI.A.No.174 of 2021 before this Court and the same was dismissed by this Court by Judgment dated 22.04.2021. Again seeking bail, the present appeal has been filed.

3. The learned Counsel for the petitioner would submit that initially the case in Crime No.104 of 2021 was registered under Section 174 Cr.P.C. and subsequently, the case was altered into Section 306 IPC read with Section 3(2)(V) of SC/ST (POA) Amendment Act 2015. Thereafter, the petitioner was arrested and remanded to judicial custody on 08.03.2021 and from that day onwards, he has been in custody for more than 5 months. He would submit that the earlier bail application was dismissed by this Court on the ground that the investigation was pending and the charge sheet was not filed. He would submit that now the investigation has been completed and the charge sheet has been filed and the same has been taken on file by the designated Court. Thereby, the present petition has been filed before this Court.

4. The learned Government Advocate (CrI. Side) would submit that at the time of occurrence, the petitioner was working as a Junior Assistant in the District Court, Tiruvannamalai and the deceased was working as a Steno Typist in the same Court. During that period, they both fell in love with each other. Subsequently, the petitioner was transferred to Civil Supplies Department. Even thereafter, the deceased used to go to the house of the appellant and had affairs. While so, on 07.03.2021 the deceased went to the house of the appellant and insisted him to marry her whereas, the appellant refused to marry her stating that she belongs to SC community. Frustrated by the refusal of the appellant and since, the deceased had lost her virginity, she committed suicide. He would further submit that the investigation has been completed and the charge sheet has been filed and the same has been taken on file in Spl.S.C.No.17 of 2021 by the designated Court and the case was posted on 08.07.2021 and subsequently adjourned to 09.08.2021 for appearance of the accused. Hence, he prays for dismissal of the appeal.

5. Heard the learned Counsel appearing for the appellant and the learned Government Advocate (Crl.Side) appearing for the respondent Police.

6. It is seen that the earlier bail petition has been dismissed by this Court on the ground that the investigation was pending and the charge sheet was not filed. Now the investigation has been completed and the charge sheet has been filed and the designated Court has taken the charge sheet on file in Spl.S.C.No.17 of 2021 and adjourned the matter to 09.08.2021. Though the case is at the state of appearance, considering the facts and circumstances of the case and the activity of the petitioner that being a public servant, the petitioner had promised to marry the deceased and had affairs with her and subsequently refused to marry her by showing her caste. In this circumstances, this Court is not inclined to allow this Criminal Appeal by granting bail to the appellant. Accordingly, this Criminal Appeal is dismissed.

7.Since, the case has already been pending before the designated Court, the designated Court is directed to complete the formalities, frame the charges and proceed with the trial and dispose of the trial within a period of six months from the date of receipt of copy of this order.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

ksa-2
To

1. The Special Court for SC/ST (prevention of Atrocities) Act,
Thiruvannamalai (Designated Court)
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 Officer,
High Court, Madras.

Copy to

The Section Officer,
Criminal Section,
High Court, Madras.

+1 cc to Mr.S.B.Viswanathan, Advocate Sr.38265

Criminal Appeal No.364 of 2021

GJ(CO)
EU 6.8.2021