



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.606 of 2021

Logesh

... Appellant

Vs.

1. State represented by,
The Inspector of Police,
Namakkal Police Station,
Namakkal.
2. The Deputy Superintendent of Police,
Namakkal,
Namakkal District.
(Crime No.1661 of 2021)
3. Chitra

... Respondents

PRAYER: The Criminal Appeal is filed under Section 14A(2) of SC & ST (PoA)Amendment Act, 2018, to call for the records and to set aside the judgment dated 11.11.2021 made in C.M.P.No.232 of 2021 on the file of the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Namakkal and enlarge the appellant on bail, pending investigation in Crime No.1661/2021 on the file of the respondent police.

For Appellant : Mr.T.Hariramachandran
For R1 & R2 : Mr.S.Sugendran
Government Advocate (Crl.Side)
R3 : Party in person

JUDGMENT

The Appeal has been filed against the dismissal of the Appeal filed in C.M.P.No.232 of 2021 dated 11.11.2021 by the learned Sessions Judge, Special Court for SC/ST(PoA) Act, Namakkal.

2. The case of the prosecution as per the defacto complainant is as under:-

(a) The defacto complainant/Chitra, mother of the deceased/ Priyadharshini, is a resident of Vasanthapuram, Namakkal. She has two daughters and one son. Her elder daughter Priyadharsini has completed M.E., and was working in a private company; younger daughter Dhivya Dharsini had completed B.E., and was working in private concern; her son Divakar was undergoing law course.

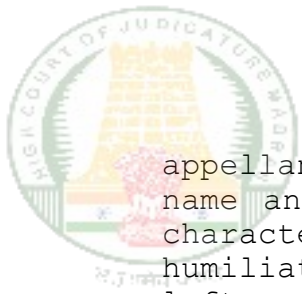


(b) On 29.09.2021 at 2.30 pm, defacto complainant had gone home for lunch and had seen her elder daughter crying and when she enquired her, she had informed that one Logesh/accused and she were in love for five years and when she had asked the said Logesh to marry her, he had told her that she belongs to Scheduled Caste community and he belongs to upper caste community and that he had refused to marry her. Thereafter, the defacto complainant's daughter had called Viji/sister of the said Logesh, she had also abused her by calling her caste name. Thereafter, the defacto complainant consoled her and went back to her work and about 3.30 pm, her neighbour had called her over phone and informed that her daughter was speaking loud to someone in phone and later she had gone inside the house and closed the door. On information, the defacto complainant had rushed back home and she had found that the door was locked from inside. With the help of neighbours, she had opened the door and found her daughter hanging in the ceiling fan with the saree. Immediately, the defacto complainant and her neighbours had rescued her and taken her to the hospital, but on the next day, she died.

(c) Based on the complaint given by the defacto complainant, case in Crime No.1166/2021 was registered against the said Logesh and her sister Viji for the offence under Section 306 IPC r/w 3(1)(s), 3(2)(v) SC/ST Act and the appellant was arrested on 17.10.2021. The appellant, thereafter, filed the C.M.P.No.232 of 2021 for bail on the file of the Trial Court and the Trial Court by an order dated 11.11.2021, had dismissed the petition against which the present appeal has been filed.

3. Learned Counsel appearing for the appellant would submit that the appellant is innocent and he has been falsely implicated in this case and he would further submit that the sister of the appellant and the deceased were friends and thereby, the deceased and the appellant got acquainted with each other and were friends for the past five years. He would submit that the victim had committed suicide for reasons not known to the appellant whereas, the defacto complainant had given a false case as if the appellant is responsible. The learned counsel would further submit that there is absolutely no evidence to show that the appellant abetted the victim to commit suicide. As on date, seven witnesses have been examined by the prosecution and the major part of the investigation is also completed and thereby, he would seek for bail.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that the appellant belongs to the upper caste community and the victim belongs to the scheduled caste community. He would submit that the victim and the sister of the appellant are known to each other and in that way, the appellant developed friendship with the victim and after being in relationship for the past five years, he had refused to marry her on account of her caste and he had also abused her both mentally and physically. He would further submit that when the victim had informed it to the sister of the



appellant, she had also abused the victim by calling her caste name and she had also spread false stories touching upon the character of the victim and the victim unable to tolerate the humiliation, committed suicide by hanging and she had also left a detailed suicide note and she had also left a video clipping in her mobile phone implicating the appellant and the investigation is still pending. He would further submit that the sister of the appellant is yet to be apprehended in this case.

5. The third respondent/defacto complainant is present before this Court. She would submit that the appellant developed friendship with her daughter and had abused her physically and also mentally and after being in a relationship with her for five years refused to marry her on account of her caste. She would further submit that the appellant had also abused the victim calling by her caste name and had also spread false stories about her daughter touching upon her character, which lead to suicide of her daughter.

6. In this case, the alleged accused/appellant had abused the victim and thereafter, had refused to marry her. The victim had left suicide note. This Court perused the CD file and the copy of the suicide note. It is reported by the prosecution that the investigation is still pending. It is not a fit case for grant of bail at this stage.

7. In view of the above, this court is not inclined to grant bail to the appellant. Accordingly, the Criminal Appeal is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Special Court for SC/ST (PoA) Act,
Namakkal.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal.
3. The Deputy Superintendent of Police,
Namakkal,
Namakkal District.
4. The Superintendent, Central Prison, Salem,



5.The Public Prosecutor,
High Court, Madras.

Copy to:

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

WEB COPY

Crl.A.No.606 of 2021

AJS (CO)

A.SK(11.01.2022)