



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.10.2021

C O R A M

THE HON'BLE MR.JUSTICE R. PONGIAPPAN

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Criminal Appeal (MD) No.369 of 2021

Iruthayaraj

... Appellant

versus

1.The Deputy Superintendent of Police,
Muthukulathoor,
Ramanathapuram District.

2.State,
Rep. by Inspector of Police,
Keelaselvanoor Police Station,
Ramanathapuram District.
(Crime No.15 / 2021)

... Respondents 1&2/ Complainants

3.Soorammal

... 3rd Respondent/ Defacto
Complainant

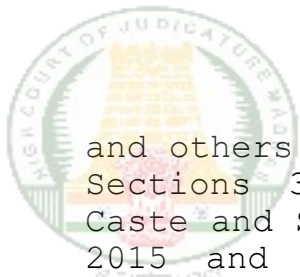
Criminal Appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989, as amended by Act 1 of 2016, to call for the records pertaining to the order dated 27.08.2021, made in Crl.M.P.No.422 of 2021, on the file of the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram and to set aside the same and enlarge the appellant on bail in connection with the case in Crime No.15 of 2021, on the file of the second respondent Police, by allowing this appeal.

For Appellant : Mr.D.Rameshkumar
For R1 and R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

JUDGMENT

The present appeal is directed against order of dismissal dated 27.08.2021, passed in Crl.M.P.No.422 of 2021, on the file of the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

2.The case of the prosecution is that the first accused in this case said to have married the daughter of de-facto complainant and thereafter, the other accused persons including the petitioner, who is arrayed as A6, said to have separated them by saying that daughter of the de-facto complainant belongs to Scheduled Caste Community and demanded dowry, due to which, she committed suicide by
<https://hse.scs-judges.org.in/hse/judges/> Hence, a case was registered against the appellant



and others in Crime No.15 of 2021 under Section 306 I.P.C. read with Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(1)(w)(i) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and the petitioner was arrested and remanded to judicial custody on 01.08.2021. Therefore, the appellant has filed a bail petition in Crl.M.P.No.422 of 2021 before the Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram. The said petition was dismissed by the learned Sessions Judge on 27.08.2021. Aggrieved over the same, the appellant has preferred the present appeal.

3. On the side of the appellant, it is stated that he has not committed any offence as alleged by the prosecution. Both the family members have not agreed for the marriage and hence, the de-facto complainant's daughter committed suicide by self-immolation and at a later point of time, the first accused in this case, has also committed suicide. It was further contended that the appellant is in judicial custody for the past 90 days i.e., from 01.08.2021 and thereby, he is entitled for bail and prayed to enlarge the appellant on bail.

4. The de-facto complainant, who was produced before this Court by the Superintendent of Central Prison, Special Prison for Women, Madurai, through Video Conferencing, has not raised any objection to grant bail to the petitioner.

5. I have considered the rival submissions made by the learned counsel on appearing on either side and perused the materials available on record.

6. Considering the above said submissions and also considering the fact that the petitioner is in judicial custody for the past 90 days i.e., from 01.08.2021 onwards, further custodial interrogation of the petitioner is not necessary in this case. Hence, this Court is inclined to release the appellant on bail. Accordingly, the order of dismissal dated 27.08.2021, passed in Crl.M.P.No.422 of 2021, by the learned Sessions Judge, Special Court for trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, is set aside and the criminal appeal is allowed and the appellant is released on bail on the following conditions:-

(i) The appellant shall execute a bond for a sum of Rs.25,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial



Book to ensure their identity.

(iii) On release, the petitioner shall appear before the second respondent police daily at 10.30 a.m. for the period of four weeks and thereafter, as and when required for interrogation.

(iv) The appellant shall not tamper the witness either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned trial 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 trial Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [2005 AIR SCW 5560]**.

Sd/-

Assistant Registrar (CS-I)

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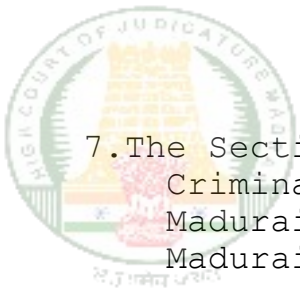
/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Sessions Judge,
Special Court for trial of cases registered
under SC/ST (POA) Act,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Muthukulathoor,
Ramanathapuram District.
3. The District Prison, Ramanathapuram.
- 4.The Inspector of Police,
Keelaselvanoor Police Station,
Ramanathapuram District.
- 5.The Superientendent, Central Prison, Madurai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



7.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.

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RD/JC(01.11.2021) 4P 9C