



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.11.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.451 of 2021

Karuppasamy

.. Appellant/Petitioner/
Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Aruppukottai Sub Division,
Virudhunagar District.

2.The Inspector of Police,
Pandalkudi,
Virudhunagar District

(P.S. in Cr.No. 63 of 2021)... Respondents 1 & 2/ Respondents/
Complainant

3.P.Kaleeswaran

...3rd Respondent/Respondent/
Defacto Complainant

Prayer : This criminal appeal is filed under Section 14-A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order, dated 06.09.2021, made in Cr.M.P.No.1424 of 2021 on the file of the Special Court (Sessions Judge) S.C / ST (POA)Act, Srivilliputhur and enlarge the appellant on bail in connection with Criminal Case in Crime No.63 of 2021 on the file of the respondent police.

For Appellant

: Mr.E.Mareesk Umar

For R1 and R2

: Mr.R.M.Anbunithi
Additional Public Prosecutor

For R3

: Mr.R.Mohan Gandhi

JUDGMENT

This Criminal Appeal has been filed to set aside the order, dated 06.09.2021, made in Cr.M.P.No.1424 of 2021 on the file of the Special Court (Sessions Judge) S.C / ST (POA)Act, Srivilliputhur and to enlarge the appellant on bail.

<https://hcservices.ecourts.gov.in/hcservices/>



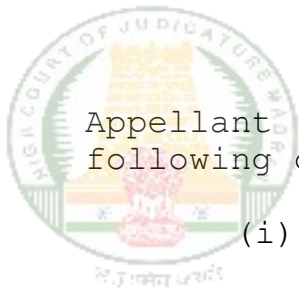
2.The case against the appellant is that there was a love affair between the daughter of the appellant and the defacto complainant. On 04.08.2021, the daughter of the appellant went to the house of the defacto complainant and the appellant went to the house of the defacto complainant and asked his daughter to come back home. Since the daughter of the appellant refused to do so, the appellant abused the father of the defacto complainant and assaulted the deceased/ Palani and who succumbed to the injuries and died on 05.08.2021, at about 9.45 am., in the Hospital. A case in Crime No.63 of 2021 was registered against the appellant under Sections 294(b), 324 and 307 of I.P.C. and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. Subsequent to the death of the deceased, the case was altered into Sections 294(b), 302 of I.P.C. and Sections 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (POA) Act. The appellant was arrested and is in custody from 06.08.2021. The appellant and his wife have filed a bail petition in Crl.M.P.No.1424 of 2021 before the Special Court, Srivilliputtur. The petition for the appellant was dismissed and bail was granted only to the wife of the appellant by the Special Court on 06.09.2021. Against the order of dismissal of bail, the appellant has approached this Court by way of this appeal.

3.On the side of the appellant, it is stated that the investigation might have been completed within this time and further detention of the appellant in custody will not be of any help to the investigation and custodial interrogation of the appellant is not necessary. There is no bad antecedents against the appellant. The appellant is the only bread winner of his family and he is having permanent abode at the mentioned address and the appellant is in custody for more than 94 days and prayed the appellant to be released on bail.

4.On the side of the defacto complainant, it is stated that the appellant / A1 went to the house of the defacto complainant with a weapon, which proves that he has gone there with a motive of commit murder. Both the appellant and the defacto complainant belonged to the same village and there is a possibility for further violence to take place and prayed the appeal to be dismissed.

5. On the side of the prosecution, it is stated that this is a case of Honorary killing, where the father of the girl committed an offence against the family member of her lover.

6. Crl.M.P.No.1424 of 2021, was dismissed by the trial Court, on 06.09.2021, wherein, it was mentioned that the appellant was in custody for the past 32 days. Now, the appellant is in custody for more than 94 days, sofar charge sheet was not filed. In view of the same, the appellant is entitled for statutory bail under Section 167 (2) Cr.P.C. Hence, the Criminal Appeal is allowed and the



Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court (Sessions Judge) S.C / ST (POA) Act, Srivilliputhur.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Special Court Sessions Judge, SC/ST (POA) Act Srivilliputhur may obtain a copy of their any valid identity proof to ensure their identity.
- (iii) The appellant should not interfere in the investigation;
- (iv) The appellant should co-operate with the respondent for investigation;
- (v) The appellant should stay in Madurai District and should not enter Virudhunagar District.
- (vi) On release, the appellant shall appear before the **Station House Officer, Tallakulam Police Station** daily twice ie. 10.30 a.m and 05.00 p.m, until further orders ;
- (vii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court 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 Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

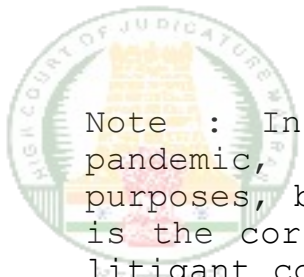
Assistant Registrar(AD-I)

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/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

WEB COPY

- 1.The Special Court (Sessions Judge)
S.C / ST (POA)Act,
Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Aruppukottai Sub Division,
Virudhunagar District.
- 3.The Inspector of Police,
Pandalkudi,
Virudhunagar District
- 4.The Inspector of Police,
Tallakulam Police Station,
Madurai District.
- 5.The Station House Officer,
Tallakulam Police Station,
Madurai District.
6. The Superintendent,
Central Prison, Madurai.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.E. MAREESKUMAR, Advocate (SR-33851[F] dated 09/11/2021)

Crl. A. (MD) No.451 of 2021
09.11.2021

TR/uv/SAR-Iv(09.11.2021) 4P 9C