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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29/11/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.A(MD)No.782 of 2022

1.Sathees Kumar

2.Subramanian

: Appellants/Petitioner/
A1 and A2

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Nilakottai Sub Division,
Dindigul District.

2.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

(Crime No.382 of 2022) : R1 and R2/Complainants

3.Vellaisamy : R3/R3/De-facto Complainant

Prayer: Criminal Appeal is filed under section 14-A(2) of SC/ST Act, to call for the entire records pertaining to the order passed by the Special Judge for Exclusive trial cases under ST/ST (POA) Act, Dindigul, in Cr.M.P No.1582 of 2022, dated 18/10/2022 and set aside the same and consequently, enlarge the appellants on bail in connection with the case in Crime No.382 of 2022 on the file of the Inspector of Police, Batlagundu Police Station, Dindigul District and pass such any or other orders.

For Appellant : Mr.P.Saravanan

For R1 and R2 : Mr.SS.Madhavan
Government Advocate
(Crimnal side)

For 3rd Respondent : Mrs.N.Juliet Latha

**J U D G M E N T**

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This Criminal Appeal has been filed seeking to set aside the order, dated 18/10/2022 made in Cr.M.P No.1582 of 2022 on the file of the Special Judge for Exclusive Trial cases under SC/ST (POA) Act cases, Dindigul and enlarge the appellants on bail.

2.The case of the prosecution in brief:-

On 08/10/2022, the de-facto complainant went to Sendraya Perumal Temple along with his family members leaving his elder daughter by name Prabha in his house. At about 2.30 pm, when he returned to his house, his daughter Prabha committed suicide by hanging in the ceiling fan with her saree. On the basis of the complaint given by the de-facto complainant, a case in Crime in Crime No.382 of 2022 was registered for the offence under section 174 Cr.P.C @ 294(b), 306 IPC and section 3(2)(va) of SC/ST(POA) Act, 2015 against the accused persons.

3.Now the first appellant was arrested on 10/10/2022 and the second appellant was arrested on 11/10/2022 and remanded to judicial custody and ever-since, they are in custody. Seeking bail, they moved



Cr1.MP(MD)No.1582 of 2022 before the Special Court and that came to be dismissed, on 18/10/2022 considering the gravity of the offence. Challenging the above said dismissal order, this criminal appeal has been preferred.

4.Heard both sides.

5.The date of occurrence is stated to be on 26/09/2022. No doubt that there was some serious allegation against the appellants to the effect that they created circumstances, which drove the deceased to commit suicide.

6.Even though, it has been contended on behalf of the appellants that A2 was a salesman in a fair-price shop at the time of the above said occurrence, on the particular day and time, he was not available in the place of occurrence and he was attending the duty in the fair-price shop. So according to him, A2 namely the second appellant has been wrongly roped in this case.



7. So far as A1 namely the 1st appellant is concerned, it has been stated that on 26/09/2002, the earlier complaint was given and during the course of the above said enquiry, the first appellant appeared before the Enquiry Officer and submitted that he never loved the deceased. The CSR number is 804 of 2022. The above said complaint was closed on the ground that there was compromise between the parties. The date of closure of the complainant is 26/09/2022 and the present occurrence stated to have took place, on 08/10/2022. What happened in between is a matter for investigation. Because of the community issue, it is submitted by the prosecution that love affair between the first accused and the deceased was not recognized by the parents. Whether the above said refusal on the part of the first accused namely the first appellant supported by the second appellant/A2 was the reason for the suicide, is the matter for investigation, as mentioned earlier.

8. Now considering the fact that they were arrested and remanded to judicial custody from 10/10/2022 and 11/10/2022 respectively and also considering the fact that major portion of the investigation might have been



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over by this time, this court is inclined to allow the criminal appeal by setting aside the order, dated 18/10/2022 passed in Cr.M.P No.1582 of 2022 on the file of the Special Judge for Exclusive Trial cases under SC/ST (POA) Act, Dindigul. Accordingly, the **appellants** are **ordered to be released on bail** on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for exclusive trial cases under SC/ST (POA) Act cases, Dindigul and on further condition that the appellants shall report before the respondent police daily at 10.30 am until further orders.

29/11/2022

Index:Yes/No
Internet:Yes/No
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To,

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- 1.The Special Judge for
Exclusive Trial cases
under SC/ST (POA) Act cases,
Dindigul.
- 2.The Deputy Superintendent of Police,
Nilakottai Sub Division,
Dindigul District.
- 3.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
- 4.The Central Jail,
Dindigul.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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