



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

CRL.A.NO.195 OF 2023

1.Dhuruvan @ Thuruvan Magendiran

2.Prasanth

3.Vennila

... Appellants

Vs.

1.The Deputy Superintendent of Police

Thirupathur,

Thirupathur District.

2.State Rep. By the Inspector of Police

Kurisolapet Police Station

Kurisolapet, Thirupathur District.

(Crime No.07 of 2023)

3.Senni

... Respondents

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC / ST Act 1989 against the dismissal of bail petition preferred by the appellants herein before the Court of Sessions Judge, Special Court for Trial of Cases under SC / ST (POA) Act, Vellore, Vellore District, in Cr.M.P.No.97 of 2023 dated 15.02.2023.



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For Appellants : Mr.G.Vinodhkumar
For Respondents : Mr.A.Gokulakrishnan
1 and 2 Additional Public Prosecutor
For Respondent- 3 : Mr.K.V.Muthuvisakan
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been preferred by the appellants against the dismissal of bail petition preferred by them before the Court of Sessions Judge, Special Court for Trial of Cases under SC / ST (POA) Act, Vellore, Vellore District, in Cr.M.P.No.97 of 2023 dated 15.02.2023.

2.The learned counsel for the appellants submitted that the deceased Banupriya is the wife of the first appellant and the second and third appellants are the brother and mother of the first appellant / first accused. The marriage between the deceased and the first appellant is a love marriage. The allegation against the appellants is that since the deceased belongs to Scheduled Caste community, the appellants have not accepted her and hence, she committed suicide. Therefore, upon a complaint given by Senni W/o. Kuppan, a case has been registered in Crime No.07/2023 for the offences punishable



under Sections 294(b), 306, 506(i) IPC r/w. 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 1989 and the accused were arrested and remanded to judicial custody on 23.01.2023. It is further submitted that investigation has been completed and therefore, seeks to grant bail to the appellants.

3.The learned Additional Public Prosecutor for the respondents 1 and 2 objected to grant bail and also contended that even after the love marriage, the appellants have not accepted the deceased in their family and hence, she was forced to commit suicide. In such circumstances, they were solely responsible for the death of the deceased and hence, he strongly objected to grant bail to the appellants.

4.The learned counsel appearing for the third respondent / defacto complainant also has strongly objected for granting bail to the appellants.

5.I have considered the submissions made on either side and perused the materials available on record.

6.On perusal of the records and the FIR, the fact reveals that the deceased is the daughter of the defacto complainant and she married the first



appellant, on her own volition. As the deceased belongs to Scheduled Caste Community, the appellants' family members have not accepted her and thus, driven her out of the matrimonial home and hence, she was forced to commit suicide, by falling into a Well. On hearing this incident, the defacto complainant lodged a complaint before the second respondent police. Subsequently, a case has been registered against the appellants for the offences punishable under Sections 294(b), 306, 506(i) IPC r/w. 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 1989 and the investigation has been completed.

7.During the course of argument, the learned Additional Public Prosecutor produced the Post-Mortem Certificate. It is seen in the Post-Mortem Certificate that the cause of the death is mentioned as “*Asphyxial due to drowning*”. It is further submitted that the investigation has been completed and awaiting for final report.

8.Considering the nature of the offence and the fact that the accused/ appellants are in custody from 23.01.2023 and also the fact that the investigation has been completed, this Court is inclined to grant bail to the accused / appellants.



9. Accordingly, the impugned order dated 15.02.2023 passed in Cr.M.P.No.97 of 2023 by the learned Sessions Judge, Special Court for Trial of Cases under SC / ST (POA) Act, Vellore, Vellore District is set aside and the appellants / accused are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each, for the like sum before the learned Sessions Judge, Special Court for Trial of Cases under SC / ST (POA) Act, Vellore, Vellore District.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the above said Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the appellants shall not tamper with evidence or witness either during investigation or trial;

(c) the appellants shall appear before the above said Court in the first week of every month at 10.30 a.m., until further orders.

(d) the appellants shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10. With the above directions, this Criminal Appeal is allowed.

18.04.2023

Internet : Yes/No
Note : Issue order copy on 19.04.2023
TK



To

1. The Sessions Judge
Special Court for Trial of Cases
under SC / ST (POA) Act,
Vellore, Vellore District.
2. The Deputy Superintendent of Police
Thirupathur,
Thirupathur District.
3. The Inspector of Police
Kurisilapet Police Station
Kurisilapet, Thirupathur District.
4. The Public Prosecutor
High Court of Madras.
5. The Superintendent
Central Prison
Vellore.
6. The Superintendent
Special Prison for Women
Vellore.
7. The Member Secretary
Tamil Nadu State Legal Services Authority
High Court of Madras
Chennai.



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V. SIVAGNANAM, J.

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