



Crl.A.1316 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.A.No.1316 of 2022

Prasanth

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Coimbatore District.

2. The Inspector of Police,
Tathinapuri Police Station,
Coimbatore District,
Crime No.545 of 2022.

3. Chandran

... Respondents

Prayer: Criminal Appeal filed under Section 14(A) of SC and ST Act to set aside the order dated 07.12.2022 made in Crl.M.P.No.5886 of o2022 passed by the learned Principal District and Sessions Judge, Coimbatore and to allow the appeal by enlarging the appellant on bail.

For Petitioner : Mr.A.Sathishkumar

For Respondents 1 &2 : Mr.C.E.Pratap

Government Advocate (Crl. Side)



Crl.A.1316 of 2022

ORDER

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This Criminal Appeal has been filed to set aside the order dated 07.12.2022 passed in Crl.M.P.No.5886 of 2022 by the learned Principal District and Sessions Judge, Coimbatore.

2. Despite notice served and name is printed in the cause list, none appeared on behalf of the third respondent.

3. The petitioner herein is the accused in Crime No.545 of 2022 and the respondent police registered the above case against the petitioner on 16.11.2022 for the offences punishable under Section 174 of Cr.P.C. altered into Section 306 IPC r/w Section 3(2)(v) of SC/ST Act.

4. The case of the prosecution is that, the victim, namely Megala Priya, aged 26 years and the petitioner had fell in love with each other, and the petitioner, under the promise of marrying her, had physical relationship with her frequently and later, he refused to marry her and hence, the victim committed suicide on 15.11.2022. Therefore, upon



Crl.A.1316 of 2022

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complaint lodged by the father of the victim/third respondent herein, the respondent police registered the case against the petitioner under Section 174 Cr.P.C. Subsequently, since the victim died on 16.11.2022, and also it was alleged that the petitioner after knowing the fact that the victim belongs to Scheduled Tribe Community, he refused to marry the her, the offence was altered into under Section 306 IPC r/w Section 3(2)(v) of ST/ST Act. The petitioner was arrested on 17.11.2022 and was confined to judicial custody.

5. The petitioner filed a petition in Crl.M.P.No.5886 of 2022 before the learned Principal District and Sessions Judge, Coimbatore seeking bail and it was dismissed by the Court, vide order dated 07.12.2022. Challenging the above order, the petitioner is before this Court.

6. The learned counsel for the petitioner submitted that the petitioner is nothing do to with the suicide committed by the deceased. He further submitted that the investigating officer completed the investigation and the petitioner is in custody from 17.11.2022 and



Crl.A.1316 of 2022

hence, the petitioner may be granted bail.

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7. The learned Government Advocate (Crl.Side) appearing for the first and second respondent submitted that the petitioner/accused is responsible for the commission of suicide by the deceased and hence, objected to grant bail to the petitioner.

8. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2. I have perused the materials on record.

9. A perusal of the records shows that the respondent police registered a case in Crime No.545/2022 for the offence punishable under Section 174 of Cr.P.C altered into Section 306 IPC r/w Section 3(2)(v) ST/ST Act. The allegation against the petitioner is that he had love affair with the victim and under the promise of marrying her, he had physical relationship with her and subsequently, after knowing the fact that the victim belongs to Schedule Tribe community, he refused to marry her and hence, the victim committed suicide. The bail petition



Crl.A.1316 of 2022

filed by the petitioner was dismissed by the Trial Court on 07.12.2022.

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10. Considering the fact that now, investigation has been completed and also taking into account the incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, it is ordered as follows.

(i) The impugned order passed by the Trial Court in Crl.M.P.No.5886 of 2022 dated 07.12.2022 is set aside.

(ii) The petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Coimbatore.***

(iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



Crl.A.1316 of 2022

(iv) The petitioner shall appear before the Trial Court, on all hearing dates.

27.01.2023

Note: Issue order copy on 30.01.2013

Index:Yes/No
Internet:Yes/No
mst

To

1. The Principal District and Sessions Judge, Coimbatore.
2. The Superintendent, Central Prison, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.



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Crl.A.1316 of 2022

V.SIVAGNANAM, J.

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Crl.A.No.1316 of 2022

27.01.2023