



Crl. A.(MD)No.51 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl. A.(MD)No.51 of 2023

S.Anandhi

... Appellant/Petitioner/Accused No.3

Vs.

1.State Represented by

The Deputy Superintendent of Police,
Nilakkottai Sub Division,
Dindigul District.

...Respondent/Respondent/Respondent

2.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.382 of 2022)

...Respondent/Respondent/Respondent

3.Vellaisamy

... Respondent/Respondent/Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14(A)(ii) of SC/ST (POA) Act 1989 as amended by Act 1 of 2016, to call for the entire records pertaining to the order passed by the learned Special Judge for Exclusive Trial Cases under SC/ST (PoA) Act, Dindigul in Cr.M.P.No.40 of 2023 dated 06.01.2023 and set aside the



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same and consequently enlarge the appellant 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.

For Appellant : Mr.Saravanan.P
For R1 and R2 : Mr.B.Nambiselvan
Additional Public Prosecutor for R1 and R2
For R3 : Mrs. Juliet Latha.N

JUDGMENT

This Criminal Appeal has been filed to call for the records relating to the order dated 06.01.2023 made in Cr.M.P.No.40 of 2023 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, and set aside the same

2. While passing the order in C.A.No.782 of 2022, this Court made discussion with regard to the alleged compromise entered between the parties on the earlier complaint dated 26.09.2022, enquired in CSR No.804 of 2022. It was mentioned that what happened after that the above said compromise entered between the parties is not known.



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3. When the matter is taken up for hearing today, the complainant is present in person and he has stated that victim gave a statement on the date of complaint that she was not having any documents or evidence to show the love affair with the first accused and she will collect the documents from her friends, produce the same, in the mean time, if anything happens to her, the responsibility will be on the accused persons. After that only the accused persons scolded the victim girl in filthy language and scolded by calling her caste name. Then only the victim girl has committed suicide.

4. The learned Additional Public Prosecutor would submit that investigation is almost over.

5. The learned Counsel for the third respondent would submit that because of the scolding by accused persons by calling her caste name only, the victim has committed suicide.

6. Considering the period of incarceration of the petitioner and considering the fact that the investigation is almost over the first and second accused are already released on bail by this Court on 29.11.2022, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 06.01.2023 made in



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Crl.M.P.No.40 of 2023 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.

7. Accordingly, the Criminal Appeal is allowed and the order dated 06.01.2023 made in Crl.M.P.No.40 of 2023 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, is set aside. The appellant is ordered to be released on bail on her 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 Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant shall appear before the second respondent police daily at 10:30 a.m., until further orders.

[c]the appellant shall not tamper with evidence or witness either during investigation or trial.

[d]the appellant shall co-operate with the investigation.

[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the



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conditions have been imposed and the appellant released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.01.2023

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 24.01.2023

To

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



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G.ILANGOVAN,J

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