



CRL.A(MD).No. 385 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.385 of 2023

Ayesha Kallashi

:Appellant /Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Tiruchendur,
Thoothukudi District.

2.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.45 of 2023)

:Respondents/Complainant

3.Thangammal

: Respondent/Defacto complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the entire records pertaining to the order passed by the Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi in CrI.M.P.No.374 of 2023, vide order dated 03.05.2023 and set aside the same and consequently release the appellant on bail in connection with the Cr.No.45 of 2023, pending on the file of the second respondent.



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For Appellant : Mr.N.Anantha Padmanabhan
Senior Counsel
for Mr.R.Anand

For Respondents : Mr.A.Albert James,
Government Advocate (Criminal Side)
for R.1 and R.2

: No Appearance for R.3

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in CrI.M.P.No.374 of 2023, dated 03.05.2023, on the file of the the learned Sessions Judge(FAC), Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi and enlarge the appellant on bail in connection with Crime No.45 of 2023, on the file of the second respondent Police.

2. The case of the prosecution is that the defacto complainant's husband was working as a sweeper in Udangudi Panchayat and the appellant is the ex=president of Udangudi Panchayt and she demanded few lakhs from the deceased for getting promotion, but the deceased could not pay the amount as demanded by the appellant and on 17.03.2023 at about 06.15a.m, when the deceased was present before the appellant, she scolded the deceased by pointing his caste name and due to that, the deceased



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consumed poison and died and based on the complaint given by the defacto complainant, a case in Crime No.45 of 2023 was registered by the second respondent Police against the appellant and other accused persons, under Sections 294(b), 186, 306, 109, 212 I.P.C., and Sections 3(1) (r), 3(1) (s) and 3(2) (V) of SC/ST(POA)Act. The appellant is in judicial custody and she has filed a petition for bail in Cr.M.P.No.374 of 2023 and the same was dismissed by the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Thoothukudi on 03.05.2023. Challenging the same, the appellant has preferred this Criminal appeal.

2. The learned Senior Counsel appearing for the appellant would submit that the co-accused were already released on bail by the Sessions Court. He would further submit that the appellant was granted interim bail by this Court on 05.05.2023 on medical grounds.

3. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 would submit that the investigation is almost completed and they are going to file the charge sheet shortly.



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4. Accordingly, the Criminal Appeal is allowed and the order, dated 03.05.2023 made in Cr.M.P.No.374 of 2023 on the file of the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Thoothukudi, is set aside. The appellant is ordered to be released on bail on his executing 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 Special Judge (FAC), Special Court for Trial of Cases under SC/ST (POA) Act Cases, Thoothukudi District, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Thoothukudi, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall report before the respondent Police daily at 10.30 am, 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.



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(e) 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]**.

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

19.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

SSL
To

- 1.The Special Sessions Judge (FAC),
Special Court for Trial of SC/ST(POA) Act Cases,
Thoothukudi
- 2.The Deputy Superintendent of Police,
Tiruchendur,
Thoothukudi District.
- 3.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.



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- 4.The Superintendent,
Special Prison for Women,
Kokkirakulam,
Palayamkottai, Tirunelveli District.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

Order made in
CRL.A(MD).No. 385 of 2023

19.06.2023