



Crl.A.No.1262 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1262 of 2024

Arivazhagan

... Appellant/Accused

Vs.

1.State Represented by;  
The Deputy Superintendent of Police,  
Uthokottai Tiruvallur District.

2.The Inspector of Police,  
Periyapalayam,  
Tiruvallur District,  
Crime No.399 of 2024

...Respondents/Complainant

3. Thangammal

...Respondent/*De-facto* Complainant

PRAYER: Criminal Appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act, 1989, to set aside the order in Cr.M.P.No.5931/2024 on the file of the Principal District and Sessions Judge, at Tiruvallur District and enlarge the appellant on bail in Cr.No.399 of 2024 on the file of the respondent.

For Appellant : Mr.S.Saravanan

For R1 and R2 : Mr.Dr.C.E.Pratap  
Government Advocate (Crl. Side)



Crl.A.No.1262 of 2024

For R3 : Ms.S.Leelavathi  
Legal Aid Counsel

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### JUDGMENT

The appeal has been filed challenging the dismissal of the petition for bail filed under Section 483 of the BNSS.

2. The allegation against the petitioner is that the petitioner had lent money to the deceased; that although the deceased had repaid the said money, the petitioner demanded more money from the deceased and abused the deceased in filthy language and unable to bear the humiliation of the petitioner, the deceased committed suicide by consuming insecticide.

3. The learned counsel for the petitioner would submit that the petitioner had not caused any harassment or humiliation to the deceased and only had sought for return of the loan amount; that the *de-facto* complainant in order to avoid the repayment of loan has instituted a false complaint and it was registered under Section 108 of BNS r/w 3(i) (r) of SC/ST Act @ 108 of BNS r/w 3(ii) (v) of SC/ST (POA) Act; and that there is no evidence to suggest that the petitioner had abetted the commission of suicide; that the



petitioner is in custody from 04.09.2024; and that the further custody is not required for the purpose of the investigation and hence prayed for grant of bail to the appellant.

4. The learned Government Advocate (Crl.Side) for the first and second respondents, on instruction, would submit that the investigation is pending and the final report would be filed within a short time; and that there is evidence to show that the deceased committed suicide due to the harassment of the petitioner;

5. Though the third respondent was served, none had entered appearance on behalf of her and this Court appointed a legal aid counsel. The learned counsel for the third respondent/*de-facto* complainant would submit that the allegations in the FIR are true; and that the third respondent committed suicide only due to the harassment caused by the petitioner and therefore, the appeal may be dismissed.

6. The allegation against the petitioner is that, he had demanded



repayment of loan from the deceased and insulted him; and that the deceased unable to bear the humiliation had committed suicide.

7. The question as to whether the deceased committed suicide, pursuant to the abetment of the petitioner has to be considered in the trial. The petitioner is in custody from 04.09.2024. The learned Government Advocate (Crl.Side) for the first and second respondents was unable to point out as to why further custody of the petitioner is required for investigation and hence, this Court is inclined to grant bail. However, this Court is of the view that till the filing of the final report, the petitioner can be directed to stay away from the place of occurrence.

8. Accordingly, the appellant is ordered to be released on bail subject to the following conditions:

(i) The appellant shall execute 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 Principal District and Sessions Judge, at Thiruvallur District.

(ii) the appellant/accused shall stay at Chennai and appear before the Esplanade Police Station, High Court of Madras, at 10.30 a.m., until further orders.



Crl.A.No.1262 of 2024

(iii) the appellant/accused shall not commit any offences of similar nature;

(iv) the appellant/accused shall not abscond either during investigation or trial;

(v) the appellant/accused shall not tamper with evidence or witness either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the learned Judicial 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]***;

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

9. In view of the above, the impugned order, dated 01.10.2024 in Crl.M.P.No.5931 of 2024 passed by the learned Principal District and Sessions Judge, at Tiruvallur District, is set aside and the Criminal Appeal is allowed.

20.11.2024



Crl.A.No.1262 of 2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

*dk*

Note: Issue Order Copy by 22.11.2024.



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Crl.A.No.1262 of 2024

SUNDER MOHAN, J.

*dk*

Copy to:

- 1.The Principal District and Sessions Judge,  
Tiruvallur District.
- 2.The Deputy Superintendent of Police,  
Uthokottai Tiruvallur District.
- 3.The Inspector of Police,  
Periyapalayam,  
Tiruvallur District,
- 4.The Superintendent of Prisons,  
Central Prison, Puzhal.
- 5.The Public Prosecutor,  
High Court, Madras.

Crl.A.No.1262 of 2024



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Crl.A.No.1262 of 2024

20.11.2024