



Crl.A.No.1307 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1307 of 2024

Raja ... Appellant /1st Accused

Vs.

1.State Rep. by
The Deputy Superintendent of Police,
Perambalur Sub Division,
Perambalur District.

2. The State Rep.by
The Inspector of Police,
Arumbavur Police Station,
Perambalur District
(Cr.No. 227 of /2024)

3.Vanaja ... Respondents

Prayer: Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order dated 23.09.2024 passed in Crl.M.P No.54 of 2024 by the learned Sessions Judge, Special Court for trial of cases under SC and ST (POA) Act, Perambalur and enlarge the appellant on bail in Crime No.227 of 2024 on the file of the 2nd respondent police.



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For Appellant : Ms.S.Rithika for
Mr.M.Vijayaragavan

For Respondents-1 & 2 : Mr.S.Balaji
Government Advocate (Crl.side)

JUDGMENT

This Criminal Appeal has been filed challenging the dismissal of the bail petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for the offences punishable under Section 3(1)(4), 3(2)(va) SC/ST(PoA) Act and u/s 115(2), 296(b) of BNSS and u/s 3(1)(r), 3(2)(va) SC/ST (PoA) Act and u/s 108, 115(2), 296(b) of BNSS Act in Crl.MP No.54 of 2024 dated 23.09.2024 by the learned Sessions Judge, Special Court for trial of cases under SC and ST (POA) Act, Perambalur and enlarge the appellant on bail in Crime No.227 of 2024 on the file of the 2nd respondent police.

2. It is the case of prosecution that the appellant had borrowed money from the victim and when the victim demanded the return of loan, the appellant abused the victim in filthy language and humiliated her; that the victim thereafter committed suicide.



3. The learned counsel for appellant would submit that the allegation against the victim would not constitute any of the alleged offence and that he had no intention to abet the commission of suicide by the victim and that since he is in custody from 15.08.2024 and the respondent has not filed any final report so far, the petitioner would be entitled to bail.

4. The learned Government Advocate (crl.side) per contra, submitted that since the offences are grave in nature, the appellant is not entitled to bail and that the Trial Court had rightly dismissed the bail petition and strongly opposed for granting bail.

5. Though notice has been served on the third respondent and her name is printed in the cause list, none appeared.

6. On perusal of the records, it is seen that the appellant is in custody from 15.08.2024 and the respondents are yet to file the final report after investigation.

7. Considering the nature of allegation; the offences registered against



the appellant; the period of incarceration and the question as to whether the act of the petitioner would constitute the offence of abetmentt has to be examined in the trial, this Court is of the considered view that the appellant would be entitled to bail. In view of the same, this Court is inclined to grant bail to the appellant 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 Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur;

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii)the appellant shall appear before the respondent police, once in a week, until further orders.



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(iv)the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps to be taken.

(v)the appellant shall not commit any offences of similar nature;

(vi)the appellant shall not abscond either during investigation or trial;

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

(viii)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 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]*;



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

8. Accordingly, this Criminal Appeal is allowed setting aside the impugned order made in Crl.MP No.54 of 2024 dated 23.09.2024 by the learned Sessions Judge, Special Court for trial of cases under SC and ST (POA) Act, Perambalur.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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Note : Issue order copy by 14.11.2024
Upload the order copy forthwith.



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To

- 1.The Deputy Superintendent of Police,
Perambalur Sub-Division,
Perambalur District.
- 2.State by the Inspector of Police,
Arumbavur Police Station,
Perambalur District.
- 3.The Sessions Judge,
Special Court for Trial of Cases under SC & ST (POA) Act,
Perambalur.
- 4.The Superintendent of Police,
Sub Jail,
Perambalur District.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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