



Crl.A.No.1498 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1498 of 2024

Thomaas

... Appellant/Accused

Vs.

1. The State Rep.by
The Inspector of Police,
Arumbavur Police Station,
Perambalur District,
Crime No. 272/2024,

2. Sasikala

...Respondents

PRAYER: Criminal Appeal filed under Section 14(A)(2) of the SC/ST Act, 2015, to set aside the order in Cr.M.P.No.73/2024 dated 12.11.2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Perambalur and enlarge the appellant on bail pending investigation in Crime No.272 of 2024 on the file of the Inspector of Police, Arumbavur Police Station, Perambalur District.



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For Appellant : Mr. D.Arun
For R1 : Dr.C.E.Pratap
Government Advocate (Crl. Side)
For R2 : Ms. R.Pandimeena
Legal Aid Counsel
for R2

JUDGMENT

The appeal is filed challenging the dismissal of the petitioner's bail application in Crl.M.P.No.73 of 2024, filed before the learned Sessions Judge, Special Court for Trial of Cases under SC and ST (POA) Act, Perambalur.

2. The petitioner was arrested on 04.11.2024 for the offences under Sections 294 (b) 115(2), 74 of BNS r/w 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act 1989.

3. The allegation against the appellant/accused is that the appellant questioned the victim about her alleged illicit intimacy; and that there was a



wordy quarrel and thereafter the appellant is said to have attacked the victim with sticks and in view of the act of the appellant, the victim was humiliated in the presence of the villagers; as a result of which, she attempted to commit suicide by consuming pesticide.

4. The appellant filed a bail application that was dismissed by the trial Court on the ground that the investigation is still pending; and that the act of the appellant has induced the victim to consume pesticide.

5. Mr.D.Arun, the learned counsel for the appellant, would submit that the petitioner is in custody from 04.11.2024; that the complaint was lodged against the appellant only because he had questioned the alleged illicit intimacy of the victim with another villager; that the victim was treated as an in-patient and thereafter, discharged from the hospital on 09.11.2024; and that the further custody of the appellant is not necessary for the purpose of investigation and prayed for bail.

6. Though the notice was served on the *de-facto* complainant, none



had entered appearance. Therefore, this Court appointed

Ms.R. Pandimeena as legal aid counsel for the *de-facto* complainant/second respondent.

7. Ms.Pandimeena, the legal aid counsel for the second respondent/*de-facto* complainant, would submit that the learned Sessions Judge had dismissed the bail application based on the statement made by the victim at the hospital, and the victim was made to consume insecticide because of the conduct of the appellant insulting, humiliating and defaming her in the village; and that the appellant/accused does not deserve bail.

8. Dr.C.E.Pratap, the learned Government Advocate (Crl.Side), appearing for the first respondent, on instructions, would submit that the injured has been discharged from the hospital and she was treated for consuming pesticide and the allegations against the appellant are that he had abused and insulted the victim and had also attacked her with sticks, as a result of which the victim attempted to commit suicide; hence, he prayed for dismissal of the appeal.



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9. The reading of the FIR would show that the victim herself admitted that she was friendly with one of the villagers. The allegation against the appellant is that he had questioned the victim regarding the alleged illegal intimacy and thereafter abused her and attacked her with sticks. The victim thereafter, humiliated by the conduct of the appellant, had consumed the insecticide and treated as an inpatient and thereafter was discharged from the hospital.

10. Considering the nature of the allegations and the injuries, the period of incarceration since remand, this Court is of the view that further detention of the appellant is not required for the purpose of investigation, and hence the appellant is entitled to bail.

11. 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 Special Court for the



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Exclusive 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.

(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



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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]*;

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

12. Accordingly, this **Criminal Appeal is allowed**, setting aside the impugned order passed by the learned Sessions Judge, Special Court for Trial of Cases under SC and ST (POA) Act, Perambalur, in Cr.M.P.No.73 of 2024, dated 12.11.2024.

11.12.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
dk

Note : Issue order copy by 12.12.2024
Upload the order copy forthwith.

Note : The District Legal Services Authority is directed to pay the scheduled fees to Ms.R.Pandimeena, legal-aid counsel appointed by this Court, to



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assist this Court on behalf of the second respondent/defacto complainant.

Copy to:

- 1.The Sessions Judge,
Special Court for Trial of Cases
under SC and ST (POA) Act,
Perambalur
- 2.The Inspector of Police,
Arumbavur Police Station,
Perambalur District,.
- 3.The Superintendent,
Central Prison Trichy.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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