



Crl.A(MD)No.619 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.A.(MD)No.619 of 2024

Parthasarathi

...Petitioner/1st Accused

Vs.

1.The Deputy Superintendent of Police,
Sattur Division,
Virudhunagar District.

2.The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.201 of 2024)

... Respondents/Complainant

3.Annalakshmi

... Respondent/Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of the Schedule Castes and Tribes Prevention of Atrocities Act, 1989 to enlarge the petitioner on bail in Crime No.201 of 2024 dated 03.07.2024 pending on the file of the respondent.

For Appellant : Mr.C.M.Arumugam

For Respondents : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)
for R1 & R2

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JUDGMENT

This appeal has been filed to set aside the order dated 10.07.2024 in Cr.M.P.No.2337 of 2024 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and enlarge the petitioner on bail.

2.The appellant is A1, in Crime No.201 of 2024 on the file of the second respondent Police. He is said to have committed the offence under Sections 108 and 308 of Bharathiya Nyaya Sanhita (BNS), 2023. Subsequently, the offences were altered as 108, 308(ii) of the Schedule Caste and the Schedule Tribes(Prevention of Atrocities Amendment Act, 2015).

3.The case of the prosecution is that on 02.07.2024, when the defacto complainant was at her residence at about 6.45 p.m. her husband came home and told her that he had vomiting sensation and also puked. When the same was enquired, her husband informed that he consumed poison and further informed that the petitioner along with 2 others insulted him and verbally abused him, as he failed to repay the amount payable to



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the petitioner. Further, the petitioner has also intimidated him and taken the money from the bank account of the husband of the defacto complainant and also scolded as to why he was still alive and because of this insult and incident, he consumed poison. Immediately, he was admitted in Government Hospital. The Doctor has referred him for further treatment. Unfortunately, the doctors declared him dead. Hence, a complaint was lodged before the second respondent Police and the same was registered under Sections 108 and 308 of Bharathiya Nyaya Sanhita (BNS), 2023. Subsequently, the offences were altered as 108, 308(ii) of the Schedule Caste and the Schedule Tribes(Prevention of Atrocities Amendment Act, 2015). Thereafter, the appellant was arrested on 03.07.2024.

4.The Appellant has filed the bail petition before the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and the same was dismissed by passing the impugned order dated 10.07.2024, stating that investigation is at early stage. Challenging the same, the appellant has filed this criminal appeal before this Court.



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5.The learned Counsel for the appellant submits that according to the prosecution on 02.07.2024, the appellant is said to have scolded the deceased to repay the amount due to him. Hence on 02.07.2024, he consumed poison and committed suicide. The deceased is not a Schedule Caste and the offence under Sections 108 and 308(ii) of the Schedule Caste and the Schedule Tribes(Prevention of Atrocities Amendment Act, 2015) is not made out. There are no materials to show that he instigated the deceased to commit suicide. The deceased worked as a driver cum fitter in the appellant's match factories. In the last week of May 2024, there was theft in the said factory. Therefore, he got ashamed and voluntarily resigned his job. Before his resignation in the year 2024, he borrowed money from the appellant to meet out the medical expenditure of his mother. At the time of resignation, he assured to repay the said amount within a short time. Hence, it is alleged that the appellant has demanded the same in the bank and he is said to have committed suicide. In the said process, no ingredients of offences under Sections 108 and 308(ii) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities Amendment Act, 2015) were made out. He further submitted that he is the owner of the match factory and false case was registered against him and he is in custody from 03.07.2024 onwards. Therefore, he seeks bail.



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6.The learned Government Advocate(Crl.side) would submit that investigation is at early stage and due to act of the appellant, the deceased committed suicide. Therefore, he seeks for the dismissal of this case.

7.The learned Counsel for the defacto complainant also submitted that due to scolding of the appellant, the deceased committed suicide. Therefore, he is not entitled to bail. The learned Counsel for the defacto complainant also submits that there is threat to the witnesses at the hands of the appellant.

8.This Court has considered the rival submission and perused the records.

9.It is not disputed that deceased does not belong to the SC/ST Community. Hence the offences under Section SC/ST is not made out. The learned Counsel for the appellant submits that there was no materials adduced to show the accused instigated the deceased to commit suicide. The deceased was working in the appellant fire works and borrowed the amount from appellant. Further, the appellant is also inside the prison from



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03.07.2024 onwards. This Court considered the above circumstance and inclines to grant bail to the appellant.

10. Accordingly, the Criminal Appeal is allowed and the order dated 10.07.2024 made in Cr.M.P.No.2337 of 2024 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur 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, for a like sum to the satisfaction of the learned Special Court for Trial of SC/ST(POA) Act cases, Srivilliputhur, Virudhunagar 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 Court for Trial of SC/ST(POA) Act cases, Srivilliputhur, Virudhunagar District, may obtain a copy of their valid identity card to ensure their identity.

(b)The appellant shall report before the the learned Special Court for Trial of SC/ST(POA) Act cases, Srivilliputhur, Virudhunagar District, daily at 10.30 am, until further orders.



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(c) the appellant shall not tamper with evidence or influence the witness during trial.

(d) the appellant shall co-operate with the proceeding in the trial Court.

(e) On breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant was released on bail by the learned Trial Judge 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.

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

Note: Issue order copy on 31.07.2024



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To

- 1.The learned Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.
- 2.The learned Special Court for Trial of SC/ST(POA)
Act cases, Srivilliputhur, Virudhunagar District.
- 3.The Deputy Superintendent of Police,
Sattur Division,
Virudhunagar District.
- 4.The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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