



Crl.A(MD)No.893 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated	:	22.11.2024
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CORAM

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

CRL.A.(MD)No.893 of 2024

Eswari

... Appellant

vs.

1.State of Tamilnadu rep by
The Deputy Superintendent of Police,
Samayanallur Sub Division,
Alanganallur Police Station,
Vadipatti Taluk,
Madurai District.

2.The Inspector of Police,
Alanganallur Police Station,
Vadipatti Taluk,
Madurai District.

3.Vellaiyan

... Respondents

PRAYER: Criminal Appeal filed under Section 14 A (2) of SC/ST Prevention of Atrocities Amendment Act, 2015 r/w petition under Section 439 of Criminal Procedure Code to call for the entire records relating to the order dated 25.06.2024 in Crl.M.P.No.1111 of 2024, on the file of the learned III Additional District and Sessions Judge (PCR) Madruai and set aside the same as arbitrary and consequently release the



Crl.A(MD)No.893 of 2024

appellant on bail in connection with the Crime No.178 of 2024, on the file of the second respondent police station.

For Appellant :Mr.T.Easwar
Senior Counsel for Mr.C.Susi Kumar

For Respondent :Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order passed in Crl.M.P.No.1111 of 2024 dated 25.06.2024, on the file of the III Additional District and Sessions Court (PCR Act), Madurai, and enlarge the appellant on bail in connection with Crime No.178 of 2024, on the file of the second respondent police.

2.1. According to the prosecution, the appellant is said to have committed the offences under Sections 294(b), 324, 506(ii) of IPC @ 294(b), 302 of IPC 3(2)(v) of SC/ST (POA) (Prevention of Atrocities) Amendment Act.

2.2. According to the prosecution, the appellant and the *defacto* complainant are neighbours. The appellant has thrown off the wastages



Crl.A(MD)No.893 of 2024

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in front of the *defacto* complainant's house. The same was questioned by him and at that time, the appellant abused him with filthy language. Thereafter, she is said to have poured the hot water on the face and body of the *defacto* complainant. Due to which, the *defacto* complainant sustained injuries and he was admitted in the Rajaji Government Hospital, Madurai. Hence, the second respondent Police registered a case in Crime No.178 of 2024 against the appellant, for the alleged offences punishable under Sections 294(b), 324, 506(ii) of IPC. Subsequently, the *defacto* complainant died and hence, the offence was altered into Sections 294(b), 302 of IPC 3(2)(v) of SC/ST (POA) (Prevention of Atrocities) Amendment Act. Thereafter, the appellant was arrested on 12.05.2024. Hence, she filed a petition for bail in Cr.M.P.No. 1111 of 2024 and the same was dismissed by the III Additional District & Sessions Court (PCR Cases), Madurai, on 25.06.2024. Challenging the same, the appellant has preferred this Criminal appeal.

3. The learned counsel for the appellant would submit that the appellant has been arrested and confined in prison from 12.05.2024. She is innocent and has no previous cases. Under the said circumstance,



Crl.A(MD)No.893 of 2024

he seeks to grant bail to the appellant.

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4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the offence is serious in nature and if she released on bail there is a possibility of tampering of evidences and she will evade from the proceedings initiated against her. Further, the appellant is in judicial custody from 25.04.2024 and she has no bad antecedent. After completion of the investigation, final report has been filed before the Special Court and the same was taken on file in Spl.S.C.No.94 of 2024 and 10 witnesses have already been examined and remaining 8 witnesses are yet to be examined.

5. Even though the family members of the defacto complainant served notice, there is no appearance. Even as per the allegation of the prosecution, the deceased questioned the dumping of the wastage and due to that she is said to have poured hot water. She is a lady and she is inside the prison from 25.04.2024. She has no antecedents. The deceased also is her neighbour. Investigation has already been completed and the material witnesses have already been examined. Considering the period



Crl.A(MD)No.893 of 2024

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of incarceration and as there is no bad antecedent against the appellant and material witnesses have already been examined and no communal tension is pleaded by the prosecution, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 25.06.2024 made in Cr.M.P.No.1111 of 2024 on the file of the III Additional District and Sessions Court (PCR Act), Madurai.

6. Accordingly, the Criminal Appeal is allowed and the order dated 25.06.2024 made in Cr.M.P.No.1111 of 2024, on the file of the III Additional District and Sessions Court (PCR Act), Madurai, is set aside. The appellant is ordered to be released on bail on 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 III Additional District and Sessions Court (PCR Act), Madurai, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the III Additional District and Sessions Court (PCR Act), Madurai, may obtain a copy of their valid identity card to ensure their identity.



Crl.A(MD)No.893 of 2024

WEB COPY

(b) the appellant shall appear before the III Additional District and Sessions Court (PCR Act), Madurai, 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.

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellants 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 269 BNS, 2023.

22.11.2024

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



Crl.A(MD)No.893 of 2024

WEB COPY To

- 1.The III Additional District and Sessions Court,
PCR Cases, Madurai.
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Alanganallur Police Station,
Vadipatti Taluk,
Madurai District.
- 3.The Inspector of Police,
Alanganallur Police Station,
Vadipatti Taluk,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Record Section (Criminal)
Madurai Bench of Madras High Court, Madurai.



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Crl.A(MD)No.893 of 2024

K.K.RAMAKRISHNAN, J.

sbn

Crl.A.(MD).No.893 of 2024

22.11.2024