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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL A(MD) Nos.355 and 413 of 2025

Muthukumar

.... Appellant in Crl A(MD)No.355 of 2025

Nithun

..... Appellant in Crl A(MD)No.413 of 2025

Vs

1.The State of Tamil Nadu
Rep by The Deputy Superintendent of Police,
Orathanadu Police Station,
Orathanadu
Thanjavur District.

2.The Inspector of Police,
Orathanadu Police Station,
Orathanadu,
Thanjavur District,
[Crime No.4 of 2025]

3.Selvarasu

... Respondents in both Appeals

Prayer: Criminal Appeals filed under Section 14A(1) of the SC/ST (POA) Act, as amended by Act 1 of 2016 to call for the records pertaining to the order dated 11.03.2025 in CrI MP No.156 of 2025 and order dated 19.03.2025 in CrI MP No.228 of 2025 on the file of the I Additional District and Sessions Judge (PCR), Thanjavur and to set aside the same and enlarge the appellants on bail in connection with crime No.4 of 2025 on the file of the 2nd respondent Police by allowing these appeals.

For Appellant(s) :Mr.G.Karnan
in Crl A(MD)No.355 of 2025
: Mr.C.Senthil Murugan
in Crl A(MD)No.413 of 2025



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For Respondent(s) : Mr.AS.Abul Kalam Azad
Government Advocate (Crl Side)
for R1 and R2
: No appearance for R3

COMMON ORDER

The appellants are accused in Crime No.4 of 2025 on the file of the 2nd respondent Police Station, which was registered for the offence under Sections 108 of BNS r/w Section 3(1)(r) of the SC/ST (POA) Act. They have moved bail applications before the I Additional District and Sessions Court (PCR), Thanjavur and they were dismissed by the trial Court. Therefore, the appellants have filed these criminal appeals.

2.The learned counsel for the appellants submit that the appellant Muthukumar/ A1 was arrested that he had love affair with the victim, but he refused to marry her by citing her caste and thus he had abetted the victim to committe suicide. Based on his confession statement, the appellant Nithun / A2 was arrested that he had love affair with the victim and had intimidated the victim to marry him and therefore, the victim girl committed suicide. There are two contradictory versions projected by the prosecution for the incident. However the deceased had left the suicide note, wherein she has stated that no one is responsible for her suicide. Further the prosecution has



laid charge sheet as against these appellants. They are in jail from 27.01.2025.

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3.The learned Government Advocate (Crl Side) submits that the appellants are the cause for suicide of the victim and after investigation charge sheet has been laid against them.

4. This court considered the rival submissions made and perused the materials placed on record.

5.The case was originally registered under Section 194 of BNSS and thereafter it was altered into Section 108 of BNS r/w Section 3(1)(r) of the SC/ST (POA) Act. Considering the suicide note, the period of incarceration and the charge sheet is filed, this Court is inclined to set aside the orders passed by the trial Court. Accordingly, the appellants are ordered to be released on bail on the following conditions:-

- i) The appellants shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, (PCR), Thanjavur.
- ii) The appellants and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their



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residence address;

iii) The appellants shall report before the respondent police daily @ 10.30 am.

iv) The appellants shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. They shall be available for the trial as well.

v) On violation of any of the above conditions by the appellants, the respondent police shall move an application for cancellation of bail.

6. In the result, these criminal appeals are allowed. The order dated 11.03.2025 passed in CrI MP No.156 of 2025 and order dated 19.03.2025 passed in CrI MP No.228 of 2025 by the I Additional District and Sessions Court (PCR), Thanjavur are set aside.

sd/-
04/04/2025

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07/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE(PCR), THANJAVUR.



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2 THE DEPUTY SUPERINTENDENT OF POLICE,
ORATHANADU POLICE STATION,
ORATHANADU,
THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
ORATHANADU,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL A(MD) Nos.355 and 413 of 2025
Date :04/04/2025

SS/SAR- /07/04/2025/ 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023