



Crl.A.(MD)No.468 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)No.468 of 2025

Manickkaraj

... Appellant

versus

1. State of Tamil Nadu,
Rep. By the Deputy Superintendent of Police,
Kumbakonam Town Range,
Thanjavur District.

2. The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.

3. Vasundharadevi

... Respondents

Appeal filed under Section 14A(2) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, to call for the records relating to the impugned order passed by the learned I Additional District and Sessions Judge (PCR), Thanjavur in Crl.M.P.No.297 of 2025 dated 15.04.2025 and set aside the same by allowing this Criminal Appeal and to enlarge the appellant on bail.



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For Appellant : Mr.K.Balasundaram,
Senior Counsel
for M/s.KBS Law Office
For R1 and R2 : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)
For R3 : Mr.B.Jameel Arasu

JUDGMENT

The appellant herein is the sole accused in Cr.No.2 of 2025. The said case was originally registered under Section 194 of BNSS and thereafter, it was altered into Section 108 of BNS. The deceased is the daughter of the defacto complainant and she was studying 3rd year B.E. in a College. The appellant had a love affair with the deceased. On the previous day of occurrence, i.e. on 02.01.2025, in the absence of the defacto complainant, the appellant went to the house of the defacto complainant at about 11.30 a.m. and forced her to return all the gifts presented by him. On the next day, i.e. on 03.01.2025, the deceased had committed suicide by hanging. Since the deceased belonged to Scheduled Caste community, the case was altered into Section 108 BNS along with the provisions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant has obtained an order from this Court in CrI.O.P. (MD)No.5382 of 2025 for considering his bail application on the same day



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of his surrender and he also surrendered before the trial Court on 05.04.2025, pursuant to the order of this Court dated 24.03.2025 passed in CrI.O.P.(MD)No.5382 of 2025. The trial Court, by considering the objections raised by the defacto complainant, has dismissed the bail application filed by the appellant in CrI.M.P.No.297 of 2025, by order dated 15.04.2025. Challenging the same, the appellant has filed this appeal.

2. The learned Senior Counsel appearing for the appellant submits that it is a case of suicide and the deceased had committed suicide in her house on 03.01.2025 at 1.00 p.m. However, the case was originally registered under Section 194 BNSS and thereafter, it was altered into Section 108 BNS.

3. The learned counsel appearing for the 3rd respondent has raised serious objection that it may be a case of murder and the appellant may have induced the deceased and on his inducement, she had committed suicide. He further submits that the deceased was studying 3rd year B.E. in a College and she had unnecessarily committed suicide in view of the harassment/inducement made by the appellant.



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4. The learned Government Advocate (Crl. Side) submits that on 02.01.2025, this appellant/accused went to the deceased's house and demanded to return the gifts presented by him. He further submits that the investigation is in crucial stage.

5. This Court considered the rival submissions made.

6. The appellant is aged about 21 years and he is also a college student studying in the same college. It appears that the appellant had a love affair with the deceased. Even according to the prosecution, the appellant is said to have visited the house of the deceased on 02.01.2025, i.e. prior to the date of occurrence and demanded to return the gifts given by him. The investigation is yet to be completed and the appellant is in jail for the past 20 days.

7. Considering the fact that the appellant is a College Student and the deceased had committed suicide in her house and also considering the fact that they had love affair, this Court is inclined to allow this appeal.



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8. Accordingly, the Criminal Appeal is allowed and the order dated 15.04.2025 made in Crl.M.P.No.297 of 2025 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, is hereby 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, each for a like sum to the satisfaction of the I Additional District and Sessions Judge (PCR), Thanjavur and on further condition that:

- i) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;
- ii) The appellant shall stay at Thoothukudi and report before the Inspector of Police, Thoothukudi South Police Station, daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.
- iii) The appellant shall file an undertaking affidavit before the respondent Police that he will not visit the occurrence village and will not disturb the deceased's family
- iv) The appellant shall not misuse the liberty granted to him by indulging in any further offence



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and shall not tamper with the prosecution witnesses.
He shall be available for the trial as well.

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

25.04.2025

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on 28.04.2025.

To

1. The I Additional District and Sessions Judge (PCR),
Thanjavur.
2. The Deputy Superintendent of Police,
Kumbakonam Town Range,
Thanjavur District.
3. The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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