

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.A.No.297 of 2018

Tamilselvan

...Appellant/Petitioner/Accused

..Vs..

State rep.by

Inspector of Police,

All Women Police Station,

Namakkal,

Namakkal District

(Crime No.6 of 2018)

...Respondent/Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 14-A of S.C.S.T.Act (Prevention of Atrocities Amendment Act 2015 r/w.374 (3) of Cr.P.C), as against the order passed by the Principal Sessions Judge, Namakkal on 27.04.2018 in C.M.P.No.520 of 2018 dismissing the Bail Petition for the alleged offence original under Section 417,376 IPC r/w.3(2) (v) of SC/ST Prevention of Atrocities) Amendment Ordinance, 2015.

For Petitioner : Mr.W.Gamyles Gandhi

For Respondent : Mr.R.Surya Prakash

Government Advocate (Crl.Side)

O R D E R

Heard both sides and perused the materials available on record.

2. As against the dismissal of the bail application under the SC and ST (Prevention of Atrocities) Act, the accused has moved this appeal for grant of bail.

3. The case of the prosecution is that one Jayanthi gave a complaint before the respondent-Police alleging that the appellant and herself were in love for the past one year and on his assurance, on 21.08.2018 both of them married and that on 18.04.2018 around 2 p.m., she went to the appellant's house and asked to marry him. But, the appellant refused for the marriage and abused her with caste name.

4. The learned counsel for the appellant/petitioner contended that a false case has been foisted against him in regard to his marriage with the de-facto complainant and part of the investigation is over. Counter affidavit is filed through Public Prosecutor by the DSP of Namakkal narrating the gist of the complaint and the number of witnesses examined and also the stage of the investigation.

5. After going through the records and also perusing the petition and also taking note of the fact that on 18.04.2018, the defacto-complainant lodged a complaint before the Inspector of Police alleging that the accused has committed the offences under Sections 417, 376 IPC read with Section 3(2)(v) of the said Act and after arrested of this petitioner after 3 days, and she is also reported to have committed suicide and matter is under investigation.

6. Taking note of the entirety of the circumstances and the gravity of the offences, I am not inclined to grant bail to the petitioner. Hence, this Criminal Appeal is dismissed. However, it is hereby clarified that the petitioner/APP is at liberty to move necessary application on advancement of stage of investigation.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Sessions Judge, Namakkal

2. The Inspector of Police
All Womens Police Station
Namakkal.

3. The Judicial Magistrate II
Namakkal.

4. The Superintendent of Police
Salem.

5. The Public Prosecutor
High Court, Madras 104.

Cr1.A.No.297 of 2018

SP(21/06/2018)