



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD)Nos.114 and 115 of 2018

J.Lakshmanan : Appellant in Crl.A.(MD)No.114 of 2018
Thazhavignesh : Appellant in Crl.A.(MD)No.115 of 2018

Vs.

1.The Deputy Superintendent of Police,
Bodi,
Theni District.

2.State Rep. by
Inspector of Police,
Chinnamanur Police Station,
Theni District,
Crime No.97 of 2018.

3.Aruna Devi : Respondents in both Crl.As.

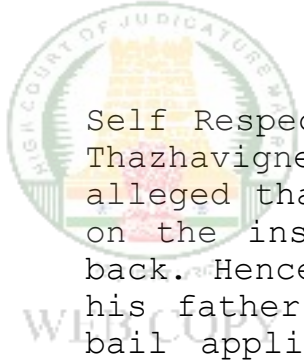
COMMON PRAYER: Criminal Appeals are filed under Section 14A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016 to call for the records pertaining to the order dated 02.03.2018 made in Cr.M.P.Nos.741 and 744 of 2018, respectively, on the file of the learned Principal District and Sessions Judge (PCR), Theni and to set aside the same and enlarge the appellants on bail in connection with Crime No.97 of 2018 on the file of the respondent police by allowing these criminal appeals.

For Appellants : Mr.G.Karuppasamy Pandiyan

For Respondents 1&2 : Mrs.S.Bharathi,
Government Advocate (Crl.side)

COMMON JUDGMENT

On the complaint lodged by one Aruna Devi, the respondent police have registered a case in Crime No.97 of 2018 on 25.02.2018 under Sections 143, 341, 294(b), 506(1) of the Indian Penal Code, 3 (1)(r), 3(1)(s) and 3(1)(w)(i) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against Thazhavignesh (A-1) and his family members. It is the case of Aruna Devi, the defacto complainant, that she was in love with Thazhavignesh (A-1) and three months prior to 25.02.2018, she got married to Thazhavignesh (A-1) at Thiruppur before Dravida Kazhagam



Self Respect Marriage Centre. According to her, she is a Dalit and Thazhavignesh (A-1) is an upper caste person. She has further alleged that after the marriage, Thazhavignesh (A-1) abandoned her on the instigation of his family members and refused to take her back. Hence, the First Information Report. Thazhavignesh (A-1) and his father Lakshmanan (A-2) were arrested on 25.02.2018 and their bail applications in Cr.M.P.Nos.744 and 741 of 2018 respectively have been dismissed by the learned Principal Sessions Judge, Theni on 02.03.2018, aggrieved by which, these appeals have been preferred.

2. Heard Mr.G.Karuppasamy Pandiyan, learned counsel for the appellants and Mrs.S.Bharathi, learned Government Advocate (Crl.side) appearing for the first and second respondents.

3. Mr.G.Karuppasamy Pandiyan, learned counsel for the appellants submitted that Thazhavignesh (A-1) was indeed in love with the defacto complainant and they willingly got married on 11.12.2017 under Suya Mariyathai Procedure. However, because of matrimonial discord, they got separated and the defacto complainant has lodged a complaint as if Thazhavignesh (A-1) has abandoned her. Mr.G.Karuppasamy Pandian, learned counsel further submitted that the marriage still subsists and that Thazhavignesh (A-1) is willing to take her back as his wife.

4. Per contra, the learned Government Advocate (Criminal side) refuted the submissions.

5. This Court gave its anxious consideration to the rival submissions.

6. Even, according to the defacto complainant, she was in love with Thazhavignesh (A-1) and that they got married under the Suya Mariyathai Procedure at Thiruppur. The learned counsel for the appellants produced a copy of the Certificate dated 11.12.2017 in support of the contention that the marriage was solemnized under the Suya Mariyathai Procedure. He has also submitted that Thazhavignesh (A-1) is not repudiating the marriage. In such view of the matter, this Court is inclined to grant bail to the appellants.

7. In fine, the Criminal Appeals are allowed and the Appellants/Accused Nos.1 and 2 are ordered to be released on bail, subject to the following conditions:

- (i) each of the appellants / accused Nos.1 and 2 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal District and Sessions Judge (PCR) Court, Theni;



(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District and Sessions Judge (PCR) Court, Theni may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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(iii) On release, Thazhavignesh (A-1) shall file an affidavit before the Principal District and Sessions Judge (PCR) Court, Theni confirming the marriage on 11.12.2017;

(iv) the appellants / accused Nos.1 and 2 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

(v) the appellants / accused Nos.1 and 2 shall not tamper with evidence or witness either during investigation or trial;

(vi) the appellants / accused Nos.1 and 2 shall not abscond either during investigation or trial; and

(vii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellants / accused Nos.1 and 2 in accordance with law as if the conditions have been imposed and the appellants / accused Nos.1 and 2 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].

Sd/-

Assistant Registrar (RTI)

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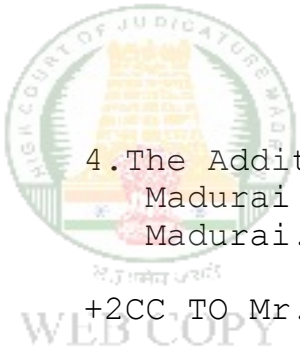
Sub Assistant Registrar

To

1.The Principal District and Sessions Judge (PCR) Court,
Theni.

2.The Deputy Superintendent of Police,
Bodi, Theni District.

3.The Inspector of Police,
Chinnahandi Police Station,
Theni District,



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2CC TO Mr.G.Karuppasamy Pandiyan, Advocate, Sr Nos.54417,54418

Common Judgment made in
Crl.A.(MD)Nos.114 and 115 of 2018
Dated:-
12.03.2018

SML

MS/SKN-RSK/SAR-2/12.03.2018/4P.7C