

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.08.2019
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
Crl.A.No.463 of 2019

Gopi @ Manikandan
S/o.Basker

..Appellant

Vs.

State by the Inspector of Police
All Women Police Station
Namakkal
Crime No.3 of 2019.

..Respondent

Criminal Appeal preferred under Section 14A (ii) of the SC/ST (Prevention of Atrocities) Act to set aside the order dated 17.07.2019 made in C.M.P.No.1223 of 2019 on the file of the Principal Sessions Court, Namakkal and enlarge the appellant on bail in connection with Crime No.3 of 2019 on the file of the respondent by allowing this appeal.

For Appellant : Mr.R.Arundattan

For Respondent: Mr.G.Ramar

Government Advocate (Crl. Side)

J U D G M E N T

This appeal has been preferred seeking to set aside the order dated 17.07.2019 made in C.M.P.No.1223 of 2019 on the file of the Principal Sessions Court, Namakkal and enlarge the appellant on bail in connection with Crime No.3 of 2019 on the file of the respondent.

2. It is the case of the prosecution that the appellant fell in love with the de facto complainant, who is a Dalit and got married to her. After marriage, it is alleged that the appellant started ill-treating his wife by referring to her caste name. On these allegations, the police registered a case in Crime No.3 of 2019 on 07.03.2019 for the offences under Sections 294(b), 354, 498-A and 506(I) IPC and Section 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 and arrested the appellant on 27.06.2019. The appellant filed C.M.P.No.1223 of 2019 before the Principal Sessions Judge, Namakkal, which has been dismissed on 17.07.2019, aggrieved by which, this appeal has been filed before this Court.

3. This Court issued notice to Manju Priya/de facto complainant, who appeared before this Court on 02.08.2019 and made her submissions.

4. On a conspectus of the facts obtaining in this case, it is seen that the dispute essentially appears to be a matrimonial one. The appellant is in custody from 27.06.2019.

5. In such view of the matter, this Appeal is allowed and bail is granted to the appellant on the following conditions:

(a) The appellant is ordered to be released on bail on he executing 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 Sessions Judge, Namakkal.

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal Sessions Judge, Namakkal, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(c) The appellant shall stay at Madurai and report before Anna Nagar Police Station, Madurai, daily at 10.30 a.m. and 5.30 p.m. until further orders.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

1. The Principal Sessions Judge,
Namakkal.

2. The Inspector of Police
All Women Police Station, Namakkal.

3. The Public Prosecutor, High Court, Madras.

4. The Inspector of Police, Anna Nagar police station,
Madurai.

+1cc to Mr. Arundattan , Advocate SR.No. 69257

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A.SK(14/08/2019)