

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

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THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.A.No.104 of 2020

Senthil Kumar

... Appellant/Accused

Vs.

1.State Rep. By its,
The Station House Office
All Women Police Station
Villupuram, Villupuram District.
(Crime No.3 of 2020)

2.Jagadheeswari ...Respondents/Complainant

PRAYER: Criminal Appeal filed under Section 14 A of SC/ST Act (Prevention of Atrocities Amendment Act 2015 r/w 374 of Cr.P.C., to set aside the order passed in bail petition in CMP.No.181 of 2020 dated 05.02.2020 on the file of the Court of Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act 1989, Villupuram and enlarge the appellant on bail in Crime No.3 of 2020 on the file of the respondent police.

For Appellant : Mr.W.Camyles Gandhi
For Respondents: Mr.T.ShunmugaRajeswaran, for R1
Government Advocate (Crl.Side)
: M/s.Jagadheeswari for R2

JUDGMENT

This appeal has been filed by the accused under Section 14A (2) of SC/ST (POA) Act, 1989 against the dismissal of the bail application filed by him in Crl.M.P.No.181 of 2020 on the file of the Special Court for Exclusive trial of cases registered under the SC/ST (POA) Act, Villupuram dated 05.02.2020.

2. The case of the prosecution is that the appellant belongs to Hindu Vanniyar Community whereas, the second respondent/defacto complainant belongs to Hindu Aadi Dravida Community. Its further case is that the appellant and the second respondent loved each other for the past 1 ½ years and the appellant had sexual intercourse with the second respondent/defacto complainant by giving a false promise that he will marry her and subsequently, he refused to marry her. Hence, the second respondent had lodged a false complaint before the Inspector of Police, All Woman Police Station Villupuram on 02.10.2019 and thereafter, with a view to escape from the said

case, the appellant and his family members gave an undertaking letter before the police that they will marry the second respondent to the petitioner and accordingly, the appellant tied Thali around the neck of the second respondent on 02.10.2019 in Angalamman Temple at Villupuram and thereafter, only for a week the appellant had stayed with the second respondent and thereafter, the appellant left the second respondent in her sister's house and he did not turn up. Hence, the second respondent has lodged a complaint before the Inspector of Police, All Women Police Station, Villupuram, but, no action was taken on the said complaint and hence, she lodged a complaint before the Deputy Superintendent of Police, Villupuram on 24.01.2020 and the same was forwarded to the first respondent and based on the same, the first respondent had registered an FIR in Cr.No.3 of 2020 under Sections 498(A), 294(B), 506(ii) of IPC, r/w Section 4 of Prohibition Harassment of Women Act, 2002 and 3(1), ®, 3(1) (a) & 3(2) (va) of SC/ST, (Prevention of Atrocities) Amendment Act 2015 against the appellant herein and his family members. Thereafter, the appellant herein was arrested on 24.01.2020 and remanded to Judicial Custody and from that date onwards, he is in custody.

3. The learned counsel for the appellant/accused No.1 has submitted that the appellant had married the second respondent only with a view to lead marital life with her. He further submitted that after marriage, the appellant and the second respondent were living peacefully for a week and thereafter, it was only the second respondent who started to quarrel with the appellant and his family members and she voluntarily left the matrimonial home and now, she is residing with her parents. He further submitted that even in the First Information Report, it is not stated that the appellant herein has shown any discrimination on the ground of Caste. On the contrary, it is stated that only the parents of the appellant have abused her by using Caste name. He further submitted that the appellant is in custody for more than 50 days and by this time, the investigation might have been completed and without taking into consideration of the aforesaid facts, the trial Court has mechanically dismissed the bail application filed by the appellant and hence, he prayed to set aside the said order and grant bail to the appellant.

4. Per contra, the learned Government Advocate (Crl.Side) has submitted that the appellant and the second respondent had fell in love and the appellant had sexual intercourse with the second respondent by giving a false promise that he will marry her and subsequently, he refused to marry her and hence, the second respondent had lodged a complaint before the first respondent herein on 02.10.2019 and at that time, the appellant and his family members submitted a letter before the first respondent by giving an undertaking that they will marry the

second respondent with the appellant and accordingly, for name sake, the appellant married the second respondent and thereafter, the appellant and his family members abused the second respondent by saying her Cast name and had also shown discrimination. He further submitted that the other accused persons are still absconding and investigation is not yet completed and therefore, he opposed to allow this appeal.

5. The second respondent/defacto complainant appeared in person before this Court and submitted that only with a view to escape from the complaint lodged by the second respondent on 02.10.2019, for name sake, the appellant has tied Thali around her neck and thereafter, he refused to register the said marriage. She further submitted that after marriage, hardly for a week the appellant was leading marital life with her and thereafter, the appellant and his family members abused her by saying Caste name and had also shown discrimination. She further submitted that the appellant has spoiled her life and hence, she strongly opposed this appeal.

6. A perusal of the First Information Report shows that the appellant belongs to Hindu Vanniyar Community and the second respondent belongs to Hindu Aadi Dravida Community and both of them loved each other for nearly 1 ½ years and they had physical relationship even before marriage and subsequently, she lodged a complaint before the first respondent on 02.10.2019 stating that the appellant has cheated her and at that time, the appellant and his parents appeared before the police and gave an undertaking that they will marry the second respondent with the appellant and accordingly on 02.10.2019 at Angalamman Temple at Villupuram Town, the appellant tied Thali around her neck and thereafter, only up to 10.10.2019 they had lived together and thereafter, the appellant abandoned the second respondent. Further, according to the second respondent, the appellant refused to come to the Registrar Office for getting registration of the marriage. Further, the other accused persons are still absconding.

7. Taking into consideration of the aforesaid facts, this Court is of the view that the appellant has not made out a case for getting bail and hence, this Appeal is dismissed. Confirming the orders passed by the trial Court Judge in CrI.M.P.No.181 of 2020.

Sd/-

Assistant Registrar (CO MDU)

//True Copy//

Sub Assistant Registrar

dna

TO

1.The Sessions Judge,
Special Court for Exclusive Trial of cases registered
under the scheduled caste & the Scheduled Tribes,
(Prevention of Atrocities) Act 1989,
Villupuram.

2.The Superintendent District Prison,
Villupuram.

3.The Station House Office
All Women Police Station
Villupuram
Villupuram District.
(Crime No.3 of 2020)

4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No. 20128

Cr1.A.No.104 of 2020

VG II(CO)
GN(25/06/2020)



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