

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.07.2020

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.A.No.268 of 2020

Harikesavan

.. Appellant/A-1

Vs.

1.State rep. by
Deputy Superintendent of Police,
Krishnagiri District

2.Inspector of Police
All Women Police Station
Krishnagiri District
(Cr. No.4 of 2020)

3.Elavarasi

.. Respondents

Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Amendment) Act, 2015 read with Section 374(3) Cr.P.C. to set aside the order passed in bail petition in CrI.M.P.No.1494 of 2020 dated 24.06.2020 on the file of the learned Principal District and Sessions Judge, Krishnagiri and enlarge on bail in Crime No.4 of 2020 on the file of the respondent police.

For Appellant : Mr.M.Jayachandran
For R1 and R2 : Mr.K.Madhan
Govt. Advocate (Crl. Side)
For R3 : No appearance

J U D G M E N T

This Criminal Appeal has been preferred by the appellant to set aside the order dated 24.06.2020 passed by the Principal District and Sessions Judge, Krishnagiri in Crl.M.P.No.1494 of 2020 dismissing the bail petition filed by the appellant in Crime No.4 of 2020.

2.On the complaint lodged by Elavarasi (3rd respondent/*de facto* complainant), the 2nd respondent Police registered a case in crime No.4 of 2020 for the offences under Section 3(1)(r), 3(1)(s)(v-a) of SC & ST (POA) Amendment Act, 2015 and Section 498(A), 506(ii) and 494 IPC. It is the case of the *de facto* complainant that the appellant is her husband and after marriage, his family members were taking steps to get him marry to another lady of their own caste. She has also alleged that the appellant had abused her referring to her caste name.

3.The learned counsel for the appellant submitted that the appellant and the *de facto* complainant fell in love and got married on 13.12.2017 and they also have a female child. On account of domestic quarrel between the spouses, the present false complaint has been lodged.

4.Heard the learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.

5.The appellant was arrested on 22.05.2020 and it is seen that that trial Court has granted bail to Lakshmi (A-2), the mother of the appellant in Crl.M.P.No.1466 of 2020 on 22.06.2020. It appears that investigation is almost complete.

6.Taking into consideration the nature of the allegations in the complaint and the fact that the dispute was essentially between the spouses, this Court is of the view that it is a fit case to grant bail to the appellant.

7.Accordingly, this appeal is allowed and the order dated 24.06.2020 passed by the Principal District and Sessions Judge, Krishnagiri in Crl.M.P.No.1494 of 2020 is set aside and 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 one surety, for a like sum, to the satisfaction of the Principal District and Sessions Judge, Krishnagiri and on further conditions that:

[a] The surety shall affix his/her photograph and Left Thumb Impression in the surety bond and the Principal District and Sessions Judge, Krishnagiri may obtain a copy of the Aadhaar card or Bank pass book to ensure his/her identity;

[b] On release, the appellant shall appear before the 2nd respondent police everyday at 10.30 a.m. for a period of one week and thereafter, as and when required before the Investigating Officer;

[c] The appellant shall not tamper with evidence or witness either during investigation or trial and shall also not abscond either during investigation or trial;

[d] On breach of any of the aforesaid conditions, the learned Principal District and Sessions Judge, Krishnagiri, is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Principal District and Sessions Judge, Krishnagiri, himself as laid down by the Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560]* and

[e] If the appellant thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

15.07.2020

Note : Issue order copy today
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To

1.The Principal District and Sessions Court
Krishnagiri

2.The Deputy Superintendent of Police
Krishnagiri District

3.The Inspector of Police
All Women Police Station
Krishnagiri District

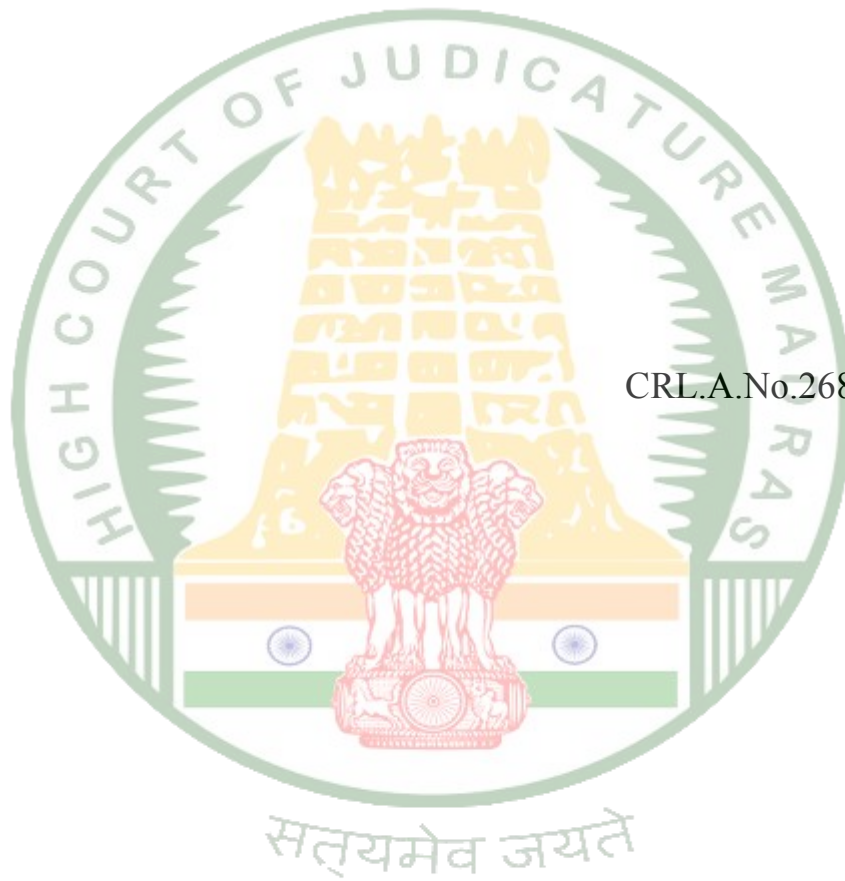
4.The Public Prosecutor
High Court, Madras

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P.N.PRAKASH, J.

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