

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A.No.185 of 2021

B.Balamurugan

...Appellant/Accused

Vs.

1.The Deputy Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2.The Inspector of Police,
All Women Police Station,
Krishnagiri,
Krishnagiri District.

...Respondents 1 & 2/Complainant

3.M.Ilakkiya

...3rd Respondent/Defacto Complainant

PRAYER: Criminal Appeal is filed under Section 14(A) (2) of Cr.P.C. to set aside the dismissal order passed in C.M.P.No.430 of 2021 in Cr.No.4 of 2021, by the learned Principal District Sessions Judge, Krishnagiri, dated 26.02.2021 and enlarge him on bail.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents: Mrs.T.P.Savitha

Government Advocate (Criminal Side)
for R1 and R2

J U D G M E N T

By consent, this Appeal is taken up for final disposal at the time of admission itself.

2. This Criminal Appeal has been filed to set aside the order passed by the learned Principal District Sessions Judge, Krishnagiri in C.M.P.No.430 of 2021 in Cr.No.4 of 2021, dated 26.02.2021 and to enlarge the appellant on bail in Crime No.4 of 2021, on the file of the respondent-Police.

3. The respondent-Police, after investigation filed a charge sheet against the appellant and the appellant was arrested on 30.02.2021 and remanded into judicial custody, till date he is in jail. Therefore, the appellant has filed a petition in

C.M.P.No.430 of 2021 before the learned Principal District and Sessions Judge, Krishnagiri praying to enlarge him on bail and the same was dismissed by the learned Judge on 26.02.2021. Challenging the said order, the appellant is before this Court.

4. The learned counsel for the appellant would submit that the marriage life between the appellant and the defacto complainant went on happily only for few days and thereafter, the complainant began to show her true face and abused the appellant by using vulgar and filth language and even on one occasion, the complainant bitten the accused finger and pulled out his nail and when the appellant take this matter before the Edappadi Police Station, the Police did not take any action against the complainant, but simply warned the complainant not to repeat it again. It is further submitted that the appellant not even one occasion, humiliated the complainant by abusing her by referring to her caste name or by abusing her physically, as alleged and the defacto complainant only tortured him and the appellant having lost his patience and tolerance, filed H.M.O.P.No.12 of 2021 and the same is pending. However, the learned Judge, without considering the above fact, dismissed the bail petition filed by the appellant, which warrants interference of this Court.

5. The learned Government Advocate (Criminal Side) would submit that during the pendency of the appeal, the defacto complainant delivered a child. The trial Court, after hearing the arguments of both sides, has rejected the application for bail petition by a well considered order and therefore, no interference is called for with the said order and the Appeal is liable to be dismissed.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. The case of the prosecution is that the appellant married the defacto complainant on 25.02.2020 and after the marriage, they lived at the house of the accused at Bodinaickenpatty. During those days, the appellant /accused abused the complainant physically and thereafter absconded leaving the complainant alone. On the basis of the complaint given by the complainant before the Edappadi Police Station, the Police brought back the appellant /accused and made him live with the complainant. While so, the appellant/accused abused the complaint physically and mentally by insulting her by referring to her caste name in the presence of others and by abusing her using filthy language.

8. It is to be noted that the appellant married the defacto complainant on 25.02.2020, however, not willing to live with the

defacto complainant and also not yet registered the marriage. It is also to be noted that allegation against the appellant / accused is that he abused the defacto complainant with filthy language, tortured her both mentally and physically, also intentionally insulted and abused by calling her caste name. A perusal of the records, it could be seen that it is not the first occasion, the appellant/accused abused the defacto complainant with filthy language and abused her by calling her caste name, and on the earlier occasion also, the appellant/accused abused the defacto complainant.

9. Considering the facts and circumstances of the case and also considering the serious nature of the offence, and also considering the fact that the appellant /accused abused the defacto complainant by calling her caste name, this Court is not inclined to grant bail to the appellant/accused, accordingly, the Appeal is dismissed.

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

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To

- 1.The Principal District Sessions Judge,
Krishnagiri.
- 2.The Deputy Superintendent of Police,
Krishnagiri,
Krishnagiri District.
- 3.The Inspector of Police,
All Women Police Station,
Krishnagiri,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

Cr1.A.No.185 of 2021

SV (CO)
SP (01/07/2021)