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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15631 of 2021

P. Kavitha

... Petitioner/Sole Accused

Versus

State rep. by its

1. The Asst. Commissioner of Police,  
O/o Commissioner office,  
Poonamallee,  
Chennai.

2. The Inspector of Police,  
Poonamallee Police Station,  
Chennai.

(Crime No. 1230 of 2021)

... Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Principal District Sessions Judge, Poonamallee (Special Court for the SC/ST, POA Act Cases) to consider the bail petition in connection with Crime No.1230/2021 registered for offences under Section 3(1) (r) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015 of the petitioner on the same day in the event of surrender by the petitioner and seeks bail in Crime No.1230 of 2021 on the file 2<sup>nd</sup> Respondent Police.

For Petitioner : Mr.Sounthara Vijay  
for Mr.G.B.Motcham

For Respondents: Mr.A.Damodaran  
Government Advocate (Crl.Side)

ORDER

This petition has been to direct the Principal District Sessions Judge, Poonamallee (Special Court for the SC/ST, POA Act Cases) to consider the bail petition in connection with Crime No.1230/2021 registered for offences under Section 3(1) (r) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015 of the petitioner on the same day in the event of surrender by the petitioner and seeks bail in Crime No.1230 of 2021 on the file 2<sup>nd</sup> Respondent Police.



2. The petitioner is the sole accused in Crime No.1230 of 2021 for the offence under Sections 294(b), 506(ii) of IPC r/w Section 3 (1) (r) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, has filed this direction petition.

3. The contention of the petitioner is that one Srimathy/defacto complainant lodged a false complaint against the petitioner by stating that she concubine with one Vinoth @ Suman, who is the husband of the defacto complainant. The said Vinoth @ Suman was working in the petitioner's company for a short tenure in 2011 and thereafter, he left the Company. Due to his strained relationship with the first wife, Elizabeth, he had obtained divorce and proposed to marry the petitioner herein. However, it did not happen due to various reasons. Thereafter, there is only a friendly relationship with him. However, the defacto complainant registered a false complaint against the petitioner.

4. The defacto complainant appeared through her counsel and submitted that the petitioner is continuing illegal relationship with her husband by mesmerizing him. Hence, she opposed the bail application.

5. The learned Government Advocate (Crl.Side) has submitted that on the complaint of Srimathy, who is the victim/defacto complainant, a case in Crime No.1230 of 2021 for the offence under Sections 294(b), 506(ii) of IPC r/w Section 3 (1) (r) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, came to be registered and investigation is pending.

6. In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is of the view that the usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioner is directed to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order or after commencement of normal functioning of the Court, which ever is later and on such surrender, the learned Principal District and Sessions Judge, Poonamallee (Special Court for SC/ST POA Act Cases), shall deal with the matter on the same day on merits and in accordance with law, after issuing notice to the victims under Section 15-A (3) of the SC/ST Act.

7. Considering the same, and also taking into account that the petitioner is a lady, if any bail application is filed by the petitioner, the same is to be considered by the concerned Court on the same day.



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8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-  
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Principal District and Sessions Judge,  
Poonamallee (Special Court  
for SC/ST POA Act Cases)
2. The Asst. Commissioner of Police,  
O/o Commissioner office,  
Poonamallee,  
Chennai.
3. The Inspector of Police,  
Poonamallee Police Station,  
Chennai.  
(Crime No. 1230 of 2021)
4. The Public Prosecutor  
High Court, Madras.

+lcc to Mr.G.B.Motcham, Advocate, S.R.No.44708

CRL.O.P.No.15631 of 2021

PCH(CO)  
CB(06/10/2021)