



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.537 of 2022

1. L.William Stanely
2. Lawrance Peter @ Lawrance .. Appellants/Accused No.1 & 2

Vs

1. The Assistant Commissioner
Nungambakkam Range, Chennai.
2. The State Rep. by Inspector of Police
All Women Police Station
Thousand Lights
Chennai.
(Crime No.06 of 2022)
3. Kowsalya. .. Respondents

Prayer: Criminal Appeal filed under Section 378(3) CRPC r/w Section 14(A)(2) SC/ST Prevention of Atrocities Act, 1989, to set aside the order dated 25.05.2022 made in Crl.M.P.No.8213 of 2022 before the learned Principal Sessions Court/ Special Judge under SC/ST Prevention of Atrocities Act, Chennai and to enlarge the appellant on bail in connection with Crime No.06 of 2022 on the file of the first respondent.

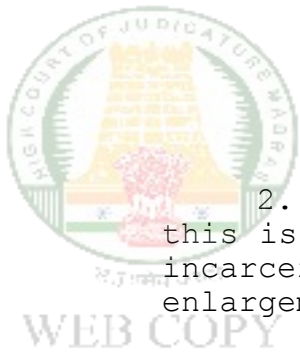
For the Appellants : Mr.M.Guruprasad

For the Respondents : R.Vinoth Kumar
Government Advocate (Crl. Side)
for respondents 1 and 2

Mr.C.Prabhu
for Respondent 3

ORDER

This Criminal Appeal is filed against the order dated 25.05.2022 made in Crl.M.P.No.8213 of 2022 whereby, the prayer for enlarging the appellants on bail was rejected by the learned Special Judge for SC/ST (Prevention of Atrocities Act), Chennai.



2. Learned counsel for the appellants would submit that this is a case of matrimonial issue and the appellants are under incarceration from 22.04.2022 and therefore, prays for enlargement on bail.

3. Learned Government Advocate (Crl. Side) would submit that apart from the offence under Section 498(A), because the accused's wife was from a Scheduled Caste, they have abused her using caste name and therefore, the offence is serious in nature.

4. Learned counsel appearing on behalf of the victim would submit that they have not only caused cruelty but also made her homeless and right now she is under dire-straits only because she happens to be from a Scheduled Caste. She is currently under the care of a social organisation and therefore, submitted that the appellants cannot be released on bail.

5. I have considered the rival submissions made on behalf of either sides, perused the First Information Report and considered the nature of the allegations.

6. Considering that the case is arising out of a matrimonial discord and the offence is under Section 498(A) and apart from cruelty, calling the caste name of the defacto complainant, the appellants harassed the defacto complainant / victim, and considering the fact that the appellants are under incarceration from 22.04.2022, I am of the view that this is a fit case to grant bail, pending investigation. Therefore, the appellants are ordered to be enlarged on bail on the following conditions:-

(a) the appellants are ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two common sureties each for a like sum to the satisfaction of the Trial Court;

(b) the appellants and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the appellants shall appear before the respondent police everyday at 10:30 am for a period of four weeks and thereafter as and when required.



WEB COPY

7. This Criminal Appeal is ordered accordingly.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

drm

To

1. The Principal Sessions Court/ Special Judge
SC/ST Prevention of Atrocities Act, Chennai .
- 2.The Assistant Commissioner of Nungambakkam,
Chennai.
3. The Inspector of Police,
All Women Police Station,
Thousand Lights, Chennai.
- 4.The Superintendent,
Central Prison, Puzhal.
- 5.The Public Prosecutor, High Court of Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.36114
+1cc to Mr.C.Prabhu, Advocate, S.R.No.39931(29/06/2022)

Crl.A.No.537 of 2022

AJB(CO)
SB(29/06/2022)