



Crl. A.(MD)No.466 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.08.2022

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THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.466 of 2022

R.Shanmuganathan

... Appellant/Petitioner/Sole Accused

Vs.

1.The State Represented by
The Deputy Superintendent of Police,
Karur Town (SD),
Karur District.

2.The State Represented by
The Inspector of Police,
Karur Town All Women Police Station,
(Crime No.21 of 2022)

... Respondents 1 and 2/Respondents/Complainants

3.Santhiya

... 3rd Respondent/De-facto Complainant

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to set aside the order dated 11.07.2022 passed in Crl.M.P.No.1246 of 2022 on the file of the learned Principal Sessions Judge, Karur by allowing this appeal and enlarge the appellant on bail.



Crl. A.(MD)No.466 of 2022

For Appellant

: M/s.S.Vashikali

For R1 and 2

: Mr.B.Nambi Selvan
Additional Public Prosecutor

For R3

: Mr.J.Imran Khan

JUDGMENT

This Criminal Appeal has been filed against the order passed in Crl.M.P.No.1246 of 2022, dated 11.07.2022 on the file of the learned Principal Sessions Judge, Karur, dismissing the petition for bail.

2.The case of the prosecution is that the appellant promised to marry the de-facto complainant and had sexual relationship with her, that when the de-facto complainant insisted the appellant to marry her, the appellant refused for marriage on the ground that the de-facto complainant is a member of the scheduled caste and also denigrated her and that he also threatened to release the video of their relationship in the social medial. Hence, the complaint.

3.The learned counsel for the appellant would submit that the appellant never made any promise to marry the de-facto complainant, that all the allegations



Crl. A.(MD)No.466 of 2022

levelled against the appellant in the complaint are false, that he has not threatened the de-facto complainant as alleged, that the appellant never used words against the de-facto complainant and her caste and he never threatened that he will release her video on social media and that the de-facto complainant with sole intention to remove the appellant from his job and tarnish his reputation, has lodged the above false complaint.

4.On the basis the complaint, the respondent police registered a case against the appellant in Crime No.21 of 2022 for the offence punishable under Sections 376, 417, 294(b) and 506(1) IPC and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

5.It is evident from the records that the appellant has taken a stand that the de-facto complainant opposed to marry the appellant, but he denied that the de-facto complainant is concentrating on her studies, that the de-facto complainant's mother had also threatened the appellant to marry her daughter, that the appellant has nothing to do with the alleged offences and that a false case has been foisted against him.



Crl. A.(MD)No.466 of 2022

6.The learned counsel for the third respondent would submit that when the third respondent insisted the appellant to marry her, he refused to marry her only on the ground that she belongs to scheduled caste and he had also threatened the third respondent that he would release the video of their relationship in the social media, if she prefers any complaint. He would further submit that though the third respondent was very much interested and was willing to marry the appellant, but due to the subsequent conduct of the appellant in threatening to release the videos of their relationship, she refused to marry the appellant and that they are having serious objections to release the appellant on bail.

7.The learned Additional Public Prosecutor would submit that the third respondent in her statement recorded under Section 164 of Cr.P.C., has specifically narrated the incidents and also about her suspicion on the appellant that he was having affairs with some other lady and also the threatening made by the appellant. He would further submit that the third respondent, in her statement, has specifically stated that the appellant had threatened to release their sex video and thereby, forced her to withdraw the earlier complaint and that subsequently, she gave another complaint to the Superintendent of Police, that though the FIR came to be registered on 28.05.2022, the respondent police for the reasons best known to them, had taken



Crl. A.(MD)No.466 of 2022

steps for recording the statement of the victim under Section 164 of Cr.P.C in the month of August 2022 and that the mobile phone of the appellant allegedly containing the videos, were also seized recently.

8.Considering the above facts and circumstances of the case and also the seriousness and gravity of the offence alleged and also the facts that the appellant is in judicial custody from 28.06.2022 and that the investigation is pending as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the appellant. Hence, the above appeal is devoid of merits and the same is liable to be dismissed.

9.Accordingly, this Criminal Appeal is dismissed.

29.08.2022

Index : Yes/No

Internet : Yes/No

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To

1.The Principal Sessions Judge, Karur

2.The Deputy Superintendent of Police,
Karur Town (SD),
Karur District.

5 / 6



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Crl. A.(MD)No.466 of 2022

K.MURALI SHANKAR, J.

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3.The Inspector of Police,
Karur Town All Women Police Station,
Karur.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. A.(MD)No.466 of 2022

29.08.2022