



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.A.(MD)No.543 of 2021

1.Palanichamy

2.Gangasri

...Petitioner/3rd Party/Defacto Complainant
Vs.

1.Sankaranarayanan

...1st Respondent/Petitioner/Accused

2.The State represented by

The Deputy Superintendent of Police,

All Women Police Station,

Kumbakonam

(In Crime No.23 of 2021)

...2nd Respondent/1st Respondent/
Defacto Complainant

Prayer: This Criminal Appeal is filed under Section 14(1)(2) of the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, to call for the entire records in Crl.M.P.No.717 of 2021 dated 13.12.2021 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur and set aside the same and cancel the bail granted in favour of the 1st respondent.

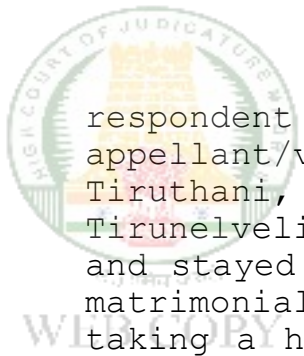
For Appellants : Mr.P.Pethu Rajesh

For Respondents : Mr.K.Sanjay Gandhi,
Govt. Advocate (Crl. Side) for R2.
Mr.R.Anand,
For Mr.R.Ilayaraja for R1.

JUDGEMENT

This criminal appeal has been filed as against the order made in Crl.M.P.No.717 of 2021 on the file of the I Additional District and Sessions Court (PCR), Thanjavur, thereby cancelling the bail granted to the first respondent.

2.The second appellant lodged a complaint alleging that she belongs to schedule caste community and she was working as sales girl in the proprietary namely, Saradhas Silks and Readymade, Uchipillayar Kovil, Kumbakonam and the first respondent/accused is the proprietor of the said proprietary. While being so, they fell in love and on the pretext of false promise of marriage, the first

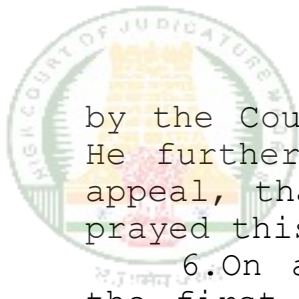


respondent had physical relationship with the second appellant/victim girl and in fact, they went to the temples in Tiruthani, Rameshwaram, Tiruvannamalai, Tirupathi, Kancheepuram, Tirunelveli and Kanyakumari and they booked rooms in lodges therein and stayed together as husband and wife and they were leading their matrimonial life for the past three years as husband and wife by taking a house for rent. On compulsion of the second appellant, the first respondent tied thali with her at Tirupathi temple. Thereafter, they reached their respective home and the first respondent assured the second appellant that he will get back her to the matrimonial home after getting concern from his parents. Thereafter, the first respondent left the second appellant in lurch and avoided contacting her and also refused to answer her phone call. Therefore, the second appellant lodged a complaint before All Women Police Station, Kumbakonam and based on the same, Crime No.23 of 2021 was registered for the offences under Sections 498(A) and 294(b) of IPC, Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Dowry Prohibition Act, 1961. Subsequently, the first respondent sent a detailed representation to the second respondent stating that there are specific allegations to attract the offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Based on the representation of the first appellant, an alteration report was filed by incorporating the Section 3(1)(x)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Based on the said complaint, the first respondent was arrested and remanded to judicial Custody. Seeking the relief of bail, the first respondent filed Crl.M.P.No.717 of 2021 before the I Additional District and Sessions Court (PCR), Thanjavur and he was enlarged on bail by order dated 13.12.2021 with certain conditions. Aggrieved by the same, this criminal appeal has been filed to cancel the bail granted to the first respondent.

4. The learned counsel for the appellants submitted that the Sessions Court did not take note of the gravity of the offences committed by the first respondent and the first respondent had committed very serious offence by giving false promise of marriage had physical relationship with the second appellant for the past three years and now he completely denied the marital relationship itself and the second appellant has been left in lurch. The learned counsel for the appellants produced records to show that the first respondent and the second appellant lived in a house for rent as husband and wife and also produced photographs showing that the first respondent tied thali with the second appellant.

5. The learned counsel for the first respondent submitted that there is no ground to cancel the bail granted to the first respondent, since the Court below considered all the facts and circumstances and also considered the period of incarceration of the first respondent. Whatever the condition imposed



by the Court below has been complied with by the first respondent. He further submitted that whatever the contentions raised in this appeal, that can be tried during the course of trial. Therefore, he prayed this Court to dismiss the criminal appeal.

6. On a perusal of the records revealed that the intention of the first respondent is not to accept the second appellant as his wife and used her for his sexual pleasure. When the second appellant requested the first respondent to disclose their marriage to his family members viz., her matrimonial home, the first respondent refused to do so. The first respondent while enjoying his sexual pleasure with the second appellant herein promised that he would surely marry her and also he tied thali at Tirupathi temple. Now, by citing the community of the second appellant, he refused to take her to the matrimonial home and even denied the marital relationship itself. That apart, he also threatened the second appellant as if he will marry a girl in another caste with huge dowry, which she is not able to present for the marriage. It is very painful to note that the learned counsel on record appeared before this Court on 17.02.2022 and represented that the first respondent is ready and willing to marry the second appellant and undertook to produce the marriage certificate. Hence, the matter was adjourned today. However today, Mr.R.Anand, learned counsel engaged by the learned counsel on record submitted that the first respondent never accepted the marriage of the second appellant and he completely denied the marital relationship as husband and wife. Therefore, it is very clear that the intention of the first respondent is only to use the second appellant for his sexual pleasure and not to marry her.

7. In view of the above, the first respondent is directed to register his marriage with the second appellant before the jurisdictional Registrar on or before 17.03.2022 and the same should be produced before the second respondent on or before 24.03.2022, failing which, the bail granted to the first respondent in Crl.M.P.No.717 of 2021 by the I Additional District and Sessions Court (PCR), Thanjavur will automatically stand cancelled. If the first respondent failed to comply with the above said conditions, the second respondent shall take steps to secure the first respondent and proceed in accordance with law. It is also made clear that the registration of the marriage between the first respondent and the second appellant will not prejudice the first respondent's rights of defence before the trial Court.

8. With these directions, this criminal appeal is disposed of.

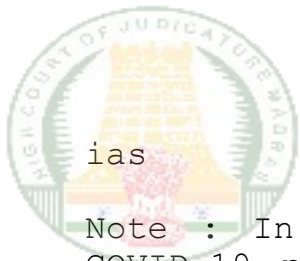
Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The I Additional District and Sessions Judge(PCR),
Thanjavur.

2.The Deputy Superintendent of Police,
All Women Police Station,
Kumbakonam

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-9920[F] dated 04/03/2022)

+1 CC to M/s.P.PETHU RAJESH, Advocate(SR-10019[F] dated
04/03/2022)

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MGJ(15.03.2022) 4P 6C