



Crl. A.(MD)No.1061 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 13.12.2023

Pronounced on : 22.12.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VADAMALAI

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K.Manivel

... Appellant

Vs.

1.State represented by the
Deputy Superintendent of Police,
Kulithali Division,
Karur.

2.The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur.

... Respondents 1 and 2

3.Archana

... 3rd Respondents/
Defacto complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, to call for the records pertaining to the order passed by the learned Principal District and Sessions Judge, Karur in Cr.M.P.No. 1921 of 2023 dated 22.12.2023 and to set aside the same and to enlarge the appellants on bail in Crime No.21 of 2023 on the file of the second respondent.



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For Appellant	: Mr.M.Jerin Mathew
For R1 and R2	: Mr.B.Nambiselvan, Additional Public Prosecutor
For R3	: Appeared in person

JUDGMENT

This Criminal Appeal has been filed to call for the records pertaining to the order passed by the learned Principal District and Sessions Judge, Karur in Cr.M.P.No.1921 of 2023 dated 22.12.2023 and to set aside the same and to enlarge the appellants on bail in Crime No.21 of 2023 on the file of the second respondent.

2. According to the prosecution the appellants and other accused said to have committed the offence punishable under Sections 417, 376 and 294(b) of IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 2015.

3. The case of the prosecution is that the appellant and the defacto complainant/third respondent loved each other and the appellant had sexual intercourse with her on the pretext of marriage. Thereafter, the appellant married some other girl, after knowing the said marriage, the defacto complainant went to the appellant's house, at that time, the appellant along with the other accused abused the



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defacto complainant in filthy language. Hence, the *de-facto* complainant lodged a complaint before the respondent police and the case has been registered in Crime No. 21 of 2023 against the appellant and the other accused for the offences under Sections 417, 376 and 294(b) of IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 2015.

4. Therefore, the appellant has filed a petition for bail in Cr.M.P.No.1921 of 2023, before learned Principal District and Sessions Judge, Karur, and the same was dismissed on 22.11.2023. Challenging the same, the appellant has preferred this Criminal Appeal.

5. The learned counsel for the appellant would submit that the appellant did not involve in any occurrence as alleged by the prosecution. He would further submit that the appellant is willing to produce sufficient sureties for the appearance and the appellant will never abscond and will not tamper the witnesses. The appellant was arrested and remanded on 13.11.2023 and hence, he seeks to grant bail to the appellant.

6. The learned Additional Public Prosecutor appearing for the respondent police submitted that the appellant and the defacto complainant/third respondent



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loved each other and appellant had sexual intercourse with her on the pretext of marriage. Thereafter, the appellant married some other girl. He further submitted that the defacto complainant attempted to commit suicide and the investigation is still pending and raised strong objections to allow this appeal.

7.The defacto complainant/third respondent appeared in person before this Court and she strongly objected to release the appellant on bail.

8.Considering the above facts and circumstances and also considering the nature and the gravity of the offence and taking note of the fact that the investigation is still pending and also considering the allegation levelled against the appellant, this Court is not inclined to allow this Criminal Appeal at this stage.

9. In the result, Criminal Appeal is dismissed.

22.12.2023

Index : Yes/No
Internet : Yes/No
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1. The learned Principal District and Sessions Judge, Karur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J

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