



Crl. A.(MD)No.1062 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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1.Krishnamoorthy
2.Sakthivel

... Appellants

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 3

3.Archana

... Third 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. 1920 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 Appellants : 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.1920 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 first accused and the defacto complainant/third respondent loved each other and the first accused had sexual intercourse with her on the pretext of marriage. Thereafter, the first accused married some other girl, after knowing the said marriage, the defacto complainant went to the first accused house, at that time, the first accused along with the appellants abused



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the 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 appellants 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. Therefore, the appellants have filed a petition for bail in Cr.M.P.No.1920 of 2023, before learned Principal District and Sessions Judge, Karur, and the same was dismissed on 22.11.2023. Challenging the same, the appellants have preferred this Criminal Appeal.

4. The learned counsel for the appellants would submit that the appellants did not involve in any occurrence as alleged by the prosecution. He would further submit that the appellants are willing to produce sufficient sureties for the appearance and the appellants will never abscond and will not tamper the witnesses. The appellants were arrested and remanded on 09.11.2023 and hence, he seeks to grant bail to the appellants.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the appellants along with the first accused abused the defacto complainant in filthy language. He further submitted that regarding these appellants prosecution has no objection to allow this appeal.



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

7.Considering the above facts and circumstances and also considering the limited role that has been alleged against the appellants and also considering the period of incarceration and also taking note of the fact that the prosecution has not raised any objection, this Court is inclined to allow the Criminal Appeal by setting aside the order dated 22.11.2023 passed in Cr.M.P.No.1920 of 2023 on the file of the learned Principal District and Sessions Judge, Karur.

8. Accordingly, this Criminal Appeal is allowed and the order dated 22.11.2023 passed in Cr.M.P.No.1920 of 2023 on the file of the learned Principal District and Sessions Judge, Karur, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Karur, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Principal District and Sessions Judge, Karur, may obtain a copy of their valid identity card to ensure their identity.



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(b) the appellants shall appear before the respondent police daily at 10.30 a.m., until further orders.

(c) the appellants shall not tamper with evidence or witnesses, during investigation or trial.

(d) the appellants shall co-operate with the investigation.

(e) On breach of any of the aforesaid conditions, the learned Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2023

Index : Yes/No

Internet : Yes/No

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- To
1. The learned Principal District and Sessions Judge, Karur.
 2. Deputy Superintendent of Police,
Kulithali Division,
Karur.
 3. The Inspector of Police,
All Women Police Station Kulithalai,
Karur.
 4. The Superintendent,
Sub Jail,
Kulithalai.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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