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CrI.A.No.257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.257 of 2024

R.Dinesh Kumar,
S/o.Rajan

... Appellant

Vs.

1.The Superintendent of Police,
Chennai.

2.The State by the Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai-600040.
(Crime No.5/2024).

3.Abirami

... Respondents

PRAYER: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 16.02.2024 on the file of the Principal Sessions Court at Chennai in Criminal M.P.No.4443 of 2024 and consequently enlarge the appellant on bail in Crime No.5 of 2024 pending investigation on the file of the 2nd respondent.

For Appellant : Mr.Prakash Goklaney

For R1 & R2 : Mr.S.Raja Kumar,
Additional Public Prosecutor



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For R3 : Mr.Thalapathy Pandiyan,
Legal Aid Counsel

JUDGMENT

This Court on 14.03.2024 had passed the following order:

“This Criminal Appeal has been filed to set aside the impugned order, dated 16.02.2024 in Crl.M.P.No.4443 of 2024 in Crime No.5 of 2024 passed by the learned Principal Sessions Judge, Chennai and enlarge the appellant on bail in connection with Crime No.5 of 2024 on the file of the 2nd respondent Police.

2.The appellant/A1 is an accused in Crime No.5 of 2024 for offence under Sections 376, 417, 498(A) & 506(i) of IPC and Sections 3(2)(v), 3(1)(z) & 3(1)(zc) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant filed a bail application before the learned Principal Sessions Judge, Chennai in Crl.M.P.No.4443 of 2024 in Crime No.5 of 2024 and the same was dismissed vide impugned order, dated 16.02.2024. Aggrieved over the same, the present Criminal Appeal is filed.

3.The learned counsel for the appellant submitted that the appellant and the 3rd respondent are neighbours. The 3rd respondent is residing with her parents in the ground floor



and the appellant is residing in the first floor. The appellant is employed as Mechanic in TVS company. The appellant developed love with the 3rd respondent, later both of them got married at Sivan Temple, Padi on 24.01.2024. Since the appellant's family members had shown opposition, the appellant and the 3rd respondent had gone to the appellant sister's house at Dharmapuri and stayed there for a day. Then, they stayed in a hotel at Krishnagiri. After getting information from the 2nd respondent Police, they had come to Chennai at that time, the appellant was arrested. Initially, the parents of the 3rd respondent had given Girl Missing complaint. In the Police Station, the 3rd respondent and her family members harassed and humiliated the appellant, hence, the appellant fearing for life had change of mind and did not agree to go along with the 3rd respondent. Due to which, the case has been altered to Sections 376, 417, 498(A) & 506(i) of IPC and Sections 3(2)(v), 3(1)(z) & 3(1)(zc) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the appellant was arrested.

4.The learned counsel for the appellant further submitted that even today, he is ready to continue the marriage life with the 3rd respondent, but it is the 3rd respondent and her family members who are defiant, humiliating and threatening the appellant. For this reason only, he was forced to rethink about the marriage life with the



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3rd respondent. In this case, the marriage relationship of the appellant and the 3rd respondent had been projected as though the appellant has shown some discrimination since the 3rd respondent belongs to the scheduled caste community. The appellant was aware about the status of the 3rd respondent, thereafter, only he married the 3rd respondent.

5.The learned Additional Public Prosecutor appearing for the respondent Police submitted that on the complaint of the 3rd respondent's family, a case has been registered for 'Girl Missing'. Thereafter, it was found that the 3rd respondent and the appellant were staying in Krishnagiri and they were called to appear before the 2nd respondent Police. They appeared before the 2nd respondent Police Station, at that time, the appellant refused to marry the 3rd respondent though the 3rd respondent's parents ready to perform the marriage calling the relatives and friends. The appellant after being with the 3rd respondent for three days, turned around, refused to marry the 3rd respondent for the reason that the 3rd respondent belongs to the scheduled caste community. Hence, the case was altered and the appellant was arrested.

6.The learned counsel for the 3rd respondent filed counter and submitted that 3rd respondent not disputed the relationship between her and the appellant. After the



marriage on 24.01.2024, the 3rd respondent had gone along with the appellant to the appellant's sister's house at Dharmapuri where the appellant's family members found that the 3rd respondent hails from the scheduled caste community and she was not allowed there and she was discriminated and humiliated. Thereafter, they were summoned by the 2nd respondent Police on 26.01.2024, they appeared before the 2nd respondent Police. On 29.01.2024, both the 3rd respondent and the appellant were asked to appear before Nirbaya Counsel for counselling, but the appellant was not agreeable for the marriage for the reason that the 3rd respondent belongs to the scheduled caste community. Then only the Police had no other option to alter the offence and arrested the appellant. He further submitted that the 3rd respondent's family members are ready to accept the marriage of the 3rd respondent with the appellant. Their only apprehension is that after the marriage, the appellant might desert the 3rd respondent.

7.In reply, the learned counsel for the appellant submitted that the appellant is very much willing to continue the marriage life with the 3rd respondent, but only apprehension is that the entire family members have been arrayed as accused. The appellant's mother is A2, his two sisters are A3 & A5, his grandmother is A4 and his brother-in-law as A6. Out of six accused, three persons arrested and



granted bail by the lower Court. The grandmother/A4 is aged about 80 years, has filed a petition under Section 482 Cr.P.C. The learned counsel for the appellant submits that on emotional outbreak, the complaint was lodged by the 3rd respondent and she proceeded against the appellant and his family members. The only wish of the appellant and his family members is that the appellant and the 3rd respondent to continue their happy marriage life.

8.Considering the submissions and on perusal of the materials, this Court finds that there is a chance for reconciling the difference and distrust between the appellant and the 3rd respondent and their family members.

9.In view of the above, this Court is inclined to grant interim bail to the appellant. Accordingly, this Court grants interim bail to the appellant subject to the condition that the appellant shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of Prison, Central Prison, Puzhal-II, Chennai.

10.The respondents 1 and 2 are directed not to take any coercive action against the appellant and his family members. They are to monitor and facilitate reconciliation efforts taken by both the appellant's family and the 3rd respondent's family.

11.The appellant and the 3rd respondent shall appear before this Court on the next hearing date i.e., on 25.03.2024



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at 02.30 p.m., in chamber.

12.Post the matter on 25.03.2024."

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2.In continuation and conjunction to the above order, this Court is passing the following order.

3.After granting interim bail to the appellant, today he appeared along with his wife/3rd respondent/victim girl before this Court and submitted that both of them resolved the issue and the relationship as husband and wife to he continued. The appellant assured that he would take care of the 3rd respondent as his wife without any hindrance. The 3rd respondent also confirmed the same and she had no objection for extending interim bail to regular one. The 3rd respondent's main grievance is that her matrimonial life to be continued without any disturbance or hindrance by the appellant as well as his family members.

4.In view of the resolvment of matrimonial issue between them, the 3rd respondent informed that she shall inform the Investigating Officer about the development and give petition not to further precipitate her matrimonial



life by continuing the investigation which will do more harm than good to her.

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5.Today, Ms.J.Vimala Priya Dharshini, Women Sub Inspector, W7 All Women Police Station, Anna Nagar, Chennai-40 present before this Court and assured that she would monitor the appellant's attitude and conduct with the 3rd respondent. If needed, they would be advise further counselling.

6.In view of the assurance given by the appellant to resolve the matrimonial discord and to treat the 3rd respondent with dignity and respect, no aggressive action be taken affecting the process of resolvment of the issue and continuation of matrimonial life of the appellant and the 3rd respondent.

7.In view of the subsequent developments, interim bail already granted by this Court on 14.03.2024 is made absolute. Accordingly, the criminal appeal stands allowed setting aside the impugned order, dated 16.02.2024 in Crl.M.P.No.4443 of 2024 in Crime No.5 of 2024 passed by



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the learned Principal Sessions Judge, Chennai.

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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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Note: Issue order copy on 26.03.2024

To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai-600040.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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