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Crl.A.No.328 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.328 of 2024

Selvi

... Appellant

Vs.

1.The Assistant Commissioner of Police,
Anna Nagar Range,
Chennai.

2.State by
Inspector of Police,
W-7, Anna Nagar Police Station,
Chennai.
[Crime No.5 of 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 passed in Crl.M.P.No.5270 of 2024 dated 27/02/2024 on the file of the learned Principal District and Sessions Judge at Chennai and consequently enlarge the appellant on bail in Crime No.5 of 2024 on the file of the second respondent.

For Appellant	:	Mr.T.Dhamodharan
For R1 & R2	:	Mr.S.Raja Kumar, Additional Public Prosecutor
For R3	:	Mr.P.Thalapathy

JUDGMENT



Crl.A.No.328 of 2024

This Criminal Appeal has been filed to set aside the impugned order, dated 27.02.2024 in Crl.M.P.No.5270 of 2024 in Crime No.5 of 2024 passed by the learned Special Judge/Principal Sessions Judge, In the Court of Special Judge at Chennai under SC & ST (Prevention of Atrocities) Act Principal Sessions Court, 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/A2 is an accused in Crime No.5 of 2024 for offence under Sections 376, 417, 498(A) & 506(i) IPC and Sections 3(2)(v), 3(1)(z), 3(1)(zc) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.The contention of the appellant is that the appellant is no way connected with the case and there is no specific overtact against her. The allegation against the appellant is that the appellant is the mother of A1-Dinesh Kumar who married the 3rd respondent and left her in lurch citing the community. The appellant said to have used abusive words against the 3rd respondent on 25.01.2024 and also instructed her daughter/A3 to keep the 3rd respondent in a locked room. The appellant's son/A1 was residing in the



first floor of the 3rd respondent's house and he was employed as Mechanic in TVS Company at Padi. The appellant is not aware about the love affair and relationship between her son/A1 and the 3rd respondent. Both of them on their own got married in Sivan Kovil at Padi. To the shock and surprise, after the marriage, A1 had gone along with the 3rd respondent to Dharmapuri. As a mother, the appellant got agitated, questioned and shouted A1 for not informing and getting approval from the elders of the family members, about his marriage which is a normal conduct in all Indian family. There was also emotional heated exchange of words, nothing more, which cannot be termed as though appellant used abusive prohibitory words against the 3rd respondent. The admitted case of the prosecution is that the 3rd respondent stayed in Dharmapuri for a short period after the marriage and thereafter, the 3rd respondent and A1 gone to Krishnagiri, from there they returned back to Chennai. The appellant's son now developed some fear to continue with the matrimonial life with the 3rd respondent, for which the appellant cannot be penalized or incarcerated.

4.It is also submitted that now the issues between A1 and the 3rd respondent got resolved. The appellant's son/A1 was granted interim bail by this Court and thereafter, they submitted that matrimonial discord got



resolved. The appellant or her family members have no objection for the same and they will not obstruct the matrimonial life between A1 and the 3rd respondent. The 3rd respondent and A1 got married on their own choice and it is for them to lead a happy matrimonial life.

5.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 filed counter stating that on 27.01.2024 at about 11.30 hours, the 3rd respondent lodged a complaint before the 2nd respondent Police and CSR.No.27 of 2024 assigned in which the 3rd respondent stated that she belongs to Scheduled Caste Community and she studied B.Com. A1, who belongs to Amabalakarar community, was a tenant under the 3rd respondent's father and was residing in the first floor of the premises. He had love affair with the 3rd respondent and while she was alone in her house, under the false promise of marriage, he forced to have sexual relationship with her on many occasions. He took her to the Star Presidency Hotel under the guise of getting employment and also had sexual relationship. After repeated request, A1 married the 3rd respondent on 24.01.2024 at Padi Sivan Temple in the presence of his friends and took her to his sister's house Divya/A3 wherein after knowing the 3rd respondent's community, A3 informed the



same to other accused and confined A1 and the 3rd respondent in a room and thereafter all the accused abused her in filthy language by referring her caste in a public view. On receiving the phone call from K3 Police Station, the 3rd respondent was taken to the Police Station by A1 and in front of Police station itself, the accused abused her by referring her caste and A1 refused to live with her. During the course of investigation, on 29.01.2024 at about 20.00 hours, the respondent Police arrested A1 and recorded his confession statement in presence of witnesses and then he was produced before the concerned Court for remand.

6. Considering the submissions and on perusal of the materials, it is seen that the appellant is the mother of A1 and A1 got married with the 3rd respondent. In this case, A1 was granted interim bail by this Court facilitating to resolve the matrimonial discord between A1 and the 3rd respondent, which now resolved and both of them are agreed to continue the matrimonial life. The allegation against the appellant is that she used abusive words and threatened the 3rd respondent. Since the marriage was against the wish of the family members, the appellant being a mother of A1 got agitated, questioned and shouted at A1 and the 3rd respondent which is a



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natural conduct. Now, the issue got resolved between A1 and the 3rd respondent, both leading happy matrimonial life. Further, it is primarily a matrimonial discord, which is with communal shades.

7.In view of the above, this Court is inclined to grant bail to the appellant subject to the following conditions.

(i)The appellant shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) for a like sum to the satisfaction of the Superintendent of Prison, Central Prison, Puzhal.

(ii)the appellant shall appear before the 2nd respondent Police as and when required for investigation.

8.In view of the above, the impugned order, dated 27.02.2024 in Crl.M.P.No.5270 of 2024 in Crime No.5 of 2024 passed by the learned Special Judge/Principal Sessions Judge, In the Court of Special Judge at Chennai under SC & ST (Prevention of Atrocities) Act Principal Sessions Court, Chennai and the Criminal Appeal is, accordingly, allowed.

25.03.2024



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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 Special Judge/Principal Sessions Judge,
In the Court of Special Judge at Chennai under
SC & ST (Prevention of Atrocities) Act Principal Sessions Court,
Chennai.
- 2.The Assistant Commissioner of Police,
Anna Nagar Range,
Chennai.
- 3.The Inspector of Police,
W-7, Anna Nagar Police Station,
Chennai.
- 4.The Central Prizon,
Puzhal.
- 5.The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.

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