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Crl.A.No.938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.938 of 2024

S.Karthik

...Appellant/Accused (A1)

Vs.

1.The Inspector of Police,
M-3, All Women Police Station,
Puzhal, Chennai – 600 066
(Crime No.10/2024)

2.R.Manimegalai

...Respondents

PRAYER: Appeal filed under Section 14A(2) of the Scheduled Castes and Schedule Tribes Act, 1989 to set aside the order dated 11.07.2024 in Crl.M.P.No.3814 of 2024 on the file of the Principal District and Sessions Judge at Tiruvallur and enlarge the appellant/petitioner on bail.

For Appellant : Mr.R.Ravindra Ram

For Respondents : Mrs.G.V.Kasthuri for R1

Additional Public Prosecutor

Mr.P.Yukesh Kumar for R2

J U D G M E N T

The Criminal Appeal has been filed to set aside the order dated 11.07.2024 in Crl.M.P.No.3814 of 2024 passed by the learned Principal District and Sessions Judge, Tiruvallur and enlarge the appellant/petitioner on bail.



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2. The case of the prosecution is that the de-facto complainant

had love affair with the appellant and she compelled the appellant to marry her with consent of the appellant's mother. Immediately, the appellant's mother lodged a police complaint before the Inspector of Police, Villiwakkam since the appellant's age was 22 and the defacto complainant's age was 29 in the year 2023. Further, the defacto complainant lodged a counter complaint against the appellant and his mother in CSR.No.66 of 2023. The Inspector of Police enquired the said complaint and closed the same and further advised the defacto complainant not to interfere with the appellant due to age factor. Pursuant to which, the defacto complainant once again lodged another complaint before the M-3 All Women Police Station, Puzhal, Chennai.

4. Learned counsel for the appellant submitted that the appellant is innocent and he was falsely implicated in a case registered for the offence under Sections 417, 294(b), 509, 354(a), 323, 509 of IPC and Section 4 of Women Harassment Act and subsequently included the offence under Section 3(1)(r), 3(1)(s) and 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 in Crime No.10 of 2024 and remanded him to judicial custody on 04.07.2024. He further

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submitted that the appellant is confined in Central Prison, Puzhal for a period of more than 25 days. Hence, he prays this Court for grant of bail to the appellant.

5. On the above contention, this Court heard the learned Additional Public Prosecutor appearing for the 1st respondent and the learned counsel for the 2nd respondent.

6. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the appellant.

5. Accordingly, the Criminal Appeal is allowed and the appellant is directed to be enlarged on bail on condition that the appellant shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Madhavaram and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(b) the appellant shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the appellant shall not tamper with evidence or witness either during investigation or trial;

(d) the appellant shall not abscond either during investigation or trial;

*(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant 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]**; and;*

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

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msv

Note: Issue order copy on 01.08.2024.

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To

1.The Inspector of Police,
M-3, All Women Police Station,
Puzhal, Chennai – 600 066
(Crime No.10/2024)

2.The District Munsif cum
Judicial Magistrate, Madhavaram

3. The Public Prosecutor,
High Court, Madras.

4. The Central Prison, Puzhal
Chennai.



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M.DHANDAPANI, J.

msv

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