



CrI.A.No.1336 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.A.No.1336 of 2024

Thangaraj

... Appellant

Vs.

1.State rep. By
The Deputy Superintendent of Police,
Dharmapuri Circle.

2.The Inspector of Police,
Indur Police Station,
Dharmapuri District.

3.Gowri

... Respondents

PRAYER: Criminal Appeal filed under Section 14-A of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Amendment Act, 2015 r/w. 374(3) Cr.P.C., to set aside the order passed in bail petition in CrI.M.P.No.2298 of 2024 dated 18.10.2024 passed by the learned Principal District Judge, Dharmapuri



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For Appellant : Mr.P.M.Jayachandran
For R1 & R2 : Dr.C.E.Pratap
Government Advocate (Crl. Side)
For R3 : Mr.M.Mathan Raj,
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed challenging the dismissal of the bail petition in Crl.M.P.No.2298 of 2024 dated 18.10.2024 filed by the appellant before the Trial Court.

2.The case of the prosecution is that the appellant and the defacto complainant had a love affair for more than three years; that the appellant promised that he would marry the defacto complainant; that in breach of the promise, the appellant married another woman and hence, the appellant is liable for the offence under Sections 296(b), 318(2) of BNS r/w. Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.



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3.The learned counsel for the appellant would submit that the appellant had not made any promise of marriage; that the allegation that he had deceived the defacto complainant has been invented for the purpose of the case and merely because the appellant had not married the third respondent/defacto complainant, the offence under Section 318(2) of BNS would not be made out; that the appellant is in custody from 08.10.2024 and prayed for grant of bail to the appellant.

4.Since the third respondent did not engage any counsel in spite of notice, this Court appointed Mr.M.Mathan Raj to assist this Court on behalf of the third respondent.

5.Mr.M.Mathan Raj, learned counsel for the third respondent would submit that the appellant had promised the defacto complainant that he would marry her and had deceived her and therefore, the offences are made out and hence, opposed the grant of bail.



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6.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that the appellant was arrested on 08.10.2024 and the investigation is still pending.

7.Considering the nature of the allegations and the fact that the appellant is in custody from 08.10.2024 and that further detention of the appellant is not required for the purpose of investigation, this Court is inclined to grant bail to the appellant. However, considering the nature of accusation, this Court is of the view that the appellant may be directed to reside elsewhere for sometime.

8.Accordingly, the appellant is released on bail on following conditions:

(i)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 Principal District Judge, Dharmapuri.

(ii)The appellant/accused shall stay at Salem and report before the



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Inspector of Police, Salem Town Police Station, Salem on every Monday at 10.00 a.m, until further orders except on the date when he has to appear before the Trial Court.

(iii)The appellant/accused shall not commit any offences of similar nature.

(iv)The appellant/accused shall not abscond either during investigation or trial.

(v)The appellant/accused shall not tamper with evidence or witness either during investigation or trial.

(vi)on breach of any of the aforesaid conditions, the learned Judicial 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]***.

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

9.In view of the above, the impugned order, dated 18.10.2024 in Crl.M.P.No.2298 of 2024 passed by the learned Principal District Judge, Dharmapuri is set aside and the Criminal Appeal is allowed.



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10.The Legal Aid Services Authority shall pay the schedule fees to
Mr.M.Mathan Raj, Advocate.

18.11.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

cse

Note: Issue order copy on 19.11.2024



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To

- 1.The Principal District Judge,
Dharmapuri.
- 2.The Deputy Superintendent of Police,
Dharmapuri Circle.
- 3.The Inspector of Police,
Indur Police Station,
Dharmapuri District.
- 4.The District Jail,
Dharmapuri.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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