



Crl.A(MD)No.781 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

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Vignesh

.... Appellant/Accused No.1

Vs.

State rep. by its:

1.The Deputy Superintendent of Police,
Rameswaram, Ramanathapuram District.

2.The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District. (Crime No.170 of 2024)

... Respondents/Complainants

3.Saranya ... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (POA) Act 1989, to call for the records and set aside the bail dismissal order of the learned Sessions Judge (SC/ST Act Cases), Ramanathapuram in Cr.M.P.No.1498 of 2024, dated 13.09.2024 in Crime No.170 of 2024.

For appellant : Mr.M.Jegadeesha Pandian

For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R3 : Mr.R.Karunanidhi



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J U D G M E N T

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This Criminal Appeal has been filed to set aside the order of the learned Sessions Judge (SC/ST Act Cases), Ramanathapuram in Cr.M.P.No. 1498 of 2024, dated 13.09.2024 in Crime No.170 of 2024.

2.The appellant, who was arrested and remanded to judicial custody on 09.09.2024, for the offences punishable under Sections 351(3) of BNS 2023 and Sections 3(1)(r) & 3(2) (va) of SC/ST (POA) Act, 2015 in Crime No.170 of 2024 on the file of the respondent police, seek appeal bail.

3.The case of the prosecution is that the appellant and the defacto complainant, who is the wife of the appellant loved each other and married without the consent of their parents. The family members of the appellant used to abuse the defacto complainant, since she belongs to scheduled caste community. Following which, the appellant, who is the husband of the defacto complainant also abused and threatened her to go to her parents house or else he and his family members will kill her. Based on the complaint given by the defacto complainant, a case in Cr.No.170 of 2024 has been registered against the accused persons. This accused was arrested and remanded to custody on 09.09.2024. Ever since, he is in custody. Seeking bail, he filed



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bail application before the trial Court and that came to be dismissed. Against the above said order, this appeal has been preferred.

4.Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 and the learned counsel appearing for the third respondent.

5.Considering the facts and circumstances of the case, it is seen that the issue between the husband and wife. Based on the complaint given by the wife, this case has been registered as against the appellant and other accused persons. Seeking bail the petition filed before the Special Court came to be dismissed on the ground that due to criminal intimidation made by the accused persons, they are not entitled for bail.

6.In this regard, an affidavit has been filed by the appellant stating that he and his family members will not make any trouble to the defacto complainant.

7.Based on the affidavit filed by the appellant, nature of offence committed by the appellant and also considering the period of incarceration,



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this Court is inclined to allow this petition and to grant bail to the appellant.

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8. Accordingly, the Criminal Appeal is allowed and the order, dated 13.09.2024 made in Crl.M.P.No.1498 of 2024 on the file of the learned Sessions Judge (SC/ST Act Cases), Ramanathapuram, is set aside. The appellant is ordered to be released on bail on his executing 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 Sessions Judge (SC/ST Act Cases), Ramanathapuram, and on further condition that:

[a] the appellant shall file an undertaking affidavit to the effect that he will not make any trouble to the defacto complainant in future. Further he must stay away from the place of occurrence. He shall stay at Ramanathapuram for a period of one month;

[b] the appellant shall appear before the concerned court, 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 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



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bail by the Trial Court itself as laid down by the Hon'ble Supreme Court in

P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 27.09.2024.

To

1.The Sessions Judge (SC/ST Act Cases), Ramanathapuram

2.The Deputy Superintendent of Police,
Rameswaram, Ramanathapuram District.

3.The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District. (Crime No.170 of 2024)

4.The Superintendent, District Jail, Ramanathapuram

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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