



**Crl.A(MD)No.842 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.10.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.ILANGO VAN**

**Crl.A(MD)No. 842 of 2024**

Parthasarathi

... Appellant/ Petitioner / A1

Vs.

1.State through the  
The Deputy Superintendent of Police,  
Uthamapalayam Division,  
Theni District.

2.State through  
The Inspector of Police,  
Odaipatti Police Station,  
Theni District.  
(Crime No.126 of 2024)

... Respondents 1 & 2 / Complainant

3.Subadevi

... 3<sup>rd</sup> Respondent/Defacto Complainant

**Prayer :** This Appeal is filed under Section 14(A)(1) of the Scheduled Castes and Tribes Prevention of Atrocities Act, 2015, to call for the records pertaining to the impugned order passed in Crl.M.P.No.1040 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, dated 14.10.2024 and to set aside the same as illegal and enlarge the appellant on bail.



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For appellant : Mr.V.Muthu Kamatchi  
For R1 and R2 : Mr. Sakthi Kumar  
Government Advocate (Crl.)  
For R3 : Mr.S.Vikraman

### **J U D G M E N T**

Mr.S.Vikraman, Enrl.No.7843/2022, learned legal aid panel counsel is appointed as the counsel for the third respondent.

Heard the learned Counsel appearing for the appellant and learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 and the learned counsel for the third respondent.

2. These Criminal Appeal has been filed call for the records pertaining to the impugned order passed in Crl.M.P.No.1040 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, dated 14.10.2024 and to set aside the same as illegal and enlarge the appellant / Accused No.1, on bail in Crime No.126 of 2024 on the file of the respondent police.



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3. The case of the prosecution is that the defacto complainant is a divorcee. The son of the A1 and A2 and the defacto complainant were in love and got married. Due to some difference of opinion, the defacto complainant's husband deserted and went to unknown place. On 28.07.2024, the appellant and other accused went to the defacto complainant's house and assaulted her. On the basis of the complaint given by the defacto complainant, a case was registered in Crime No.126 of 2024 for the offences under Section 296(b), 115(2), 118(1), 88 of BNS of 2023 and Section 4 of TNPHW Act, 2002 and 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989. Subsequent to the FIR, the accused persons were arrested on 03.10.2024. The appellant herein moved bail application in Crl..M.P.No.1040 of 2024 before the learned Special Court for Trial of Cases under SC/ST(POA) Act, Theni. He was arrested and remanded to custody on 03.10.2024, ever since he is in custody. The trial Court by order dated 14.10.2024, dismissed the bail applications. Against which this Criminal appeal is filed.

4. The husband of the defacto complainant is present before this Court. The husband is not an accused in this matter. The appellant is the father-in-law of the defacto complainant. At the time of hearing the appeal, it is submitted by the defacto complainant that her husband has been hiding without visiting the house. She is having a child. The husband of the defacto



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complainant submitted that because of the torture made by his wife / the defacto complainant, he is not continuing the matrimonial relation.

5. In view of the above submissions on either side, this matter is referred to the Mediation and Conciliation Centre, attached to this Bench. The defacto complainant and her husband are directed to appear before the Mediation Centre today(24.10.2024). The centre shall appoint a Mediator in this matter.

6. In the meantime, in view of the above, this Criminal Appeal is allowed and the order, dated 14.10.2024, made in Crl.M.P.No.1040 of 2024 by learned Special Court for Trial of Cases under SC/ST(POA) Act, Theni, 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 learned Special Court for Trial of Cases under SC/ST(POA) Act, Theni, and on further condition that:

[a] the appellant shall not tamper with evidence or witness either during investigation or trial;

[b] the appellant shall not abscond either during investigation or trial;



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[c] 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 appellants released on 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].

**24.10.2024**

NCC : Yes / No  
Index : Yes/No  
Internet : Yes/No

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***Note: Issue order copy on 24.10.2024.***

To

1. The Judge, Special Court for Trial of Cases under SC/ST(POA) Act, Theni.
2. The Superintendent, District Prison, Theni.
3. The Deputy Superintendent of Police,  
Uthamapalayam Division, Theni District.
4. The Inspector of Police, Odaipatti Police Station,  
Theni District. (Crime No.126 of 2024)
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
6. The Chief Co-ordinator,  
Mediation and Conciliation Centre,  
Madurai Bench of Madras High Court, Madurai.



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**G.ILANGO VAN,J.**

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