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CRL A No. 471 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 471 of 2025

1. Dharnish @ Dhibu
S/o. Ramasamy, No.3/422,
Aklkondapalli, Achetti Palli,
Biramangalam, Krishnagiri District.

2. Ranjith Kumar
S/o.Perumal, No.1/204, Goganarippalli,
Hosur, Krishnagiri District.

3. Venkatesamy
S/o. Karthirappa, No.2/320,
Aggondapally, Achetti Palli,
Bairamangalam, Krishnagiri District.

Appellants/A1 to A3

Vs.

1. The State Rep.by its, The Station
House Officer,
Thiyagadurugam Police Station,
Kallakurichi District. Cr.No.60/2025.

2.Subramaiyan
S/o. Muthaiyan, Mariyamman Kovil
Street, New Colony, Veerachozhapuram
Village, Kallakurichi District.

Respondents/Defacto complainant

PRAYER Criminal Appeal filed under Section 14A(2) of SC&ST (Prevention of Atrocities Act, 2015), praying to set aside the impugned order in CrI.M.P.No.984 of 2025 in Cr.No.60 of 2025 dated 22.04.2025 passed by the learned Principal District and Sessions Court, Kallakurichi and allow the above



Criminal Appeal by enlarging the appellants on bail on such terms and conditions.

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For Appellants:	Mr.R.Sankarasubbu
For R1:	Mr.R.Vinothraja, Government Advocate (Crl.Side)
For R2	Door locked

ORDER

This Criminal Appeal has been filed to set aside the impugned order in Crl.M.P.No.984 of 2025, dated 22.04.2025 passed by the learned Principal District and Sessions Court, Kallakurichi and enlarge the appellants on bail in connection with Crime No.60 of 2025 on the file of the first respondent Police Station.

2. The contention of the appellants is that the defacto complainant had given a false complaint against the appellants as if the appellants had abused the victim Chittrayan by calling his caste name and attacked him with knife and beer bottle on his head, neck and hands. The said Chittrayan had eloped with Selvi, wife of first appellant. The said Selvi belongs to scheduled caste community, but married the 1st appellant, who belongs to Vanniyar community. They have one son and daughter. The elopement of A1's wife with the defacto complainant's son is the reason for the appellants to assault and attack on defacto complainant's son. The injured was taken to the hospital and he was



given treatment as in-patient and thereafter complaint registered.

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3. The contention of the appellants is that the 1st appellant's wife Selvi had eloped with Chitrayan. The 1st appellant had gone in search of his wife along with his friends, questioned the illicit relationship between his wife Selvi and Chitrayan. Earlier during June 2024, there was an elopement. The first appellant came with police, rescued his wife and took her back, again his wife eloped with Chitrayan during August 2024. Though Selvi is a wife of another person having two children, the defacto complainant and his family not opposed the relationship of Selvi and Chitrayan. The first appellant along with his friends came to rescue his wife, there was fight between appellants and Chitrayan followed by attack. Chitrayan sustained injuries, took treatment in Kallakurichi and Salem Hospitals. Now, the said Chitrayan discharged from the hospital. The further submission is that the investigation is almost completed.

4. Notice has been taken to the victim/defacto complainant, but returned with a reason as “door locked”, Affidavit of Service of S.Jeevanantham, Advocate filed, confirming service of notice through whatsapp and through phone call. The information delivered to defacto complainant.

5. The learned Government Advocate (Crl.Side) submitted that the defacto complainant's son Chitrayan was assaulted by the 1st appellant by using Knife. As a result, the said Chitrayan sustained grievous injuries. He was also

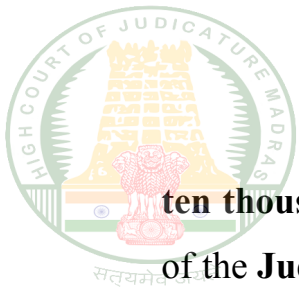


chased by the 1st appellant by using his car and dashed Chitrayan bike and caused injuries. The 2nd and 3rd petitioners caught hold of Chitrayan facilitating the attack. Hence, all the appellants committed the offence. Further the intention of the 1st appellant is to take away the life of Chitrayan for the reason that 1st appellant's wife had eloped with him. Now, the injured discharged from the hospital and investigation completed and charge sheet filed.

6. Considering the facts and submissions and the fact that the 1st appellant's wife eloped with Chitrayan / defacto complainant's son and thereafter the 1st appellant had come with A2 and A3 and questioned the same and there has been exchange of words, which is a normal reaction of any person. The 1st appellant having two school going children. The said Selvi without any concern for the children, had deserted the matrimonial home and eloped with Chitrayan. The elopement is not once, earlier on three occasions Selvi eloped with Chitrayan, rescued by the first petitioner, took her back, but she continued her illicit relationship with Chitrayan. Now, the injured discharged from the hospital and investigation completed and charge sheet filed.

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

(i) The appellants shall execute a bond for a sum of **Rs.10,000/- (Rupees**



ten thousand only) each with one surety each for a like sum to the satisfaction of the **Judicial Magistrate-2, Kallakurichi.**

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(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii)the appellants shall appear before the trial Court on all hearing dates without fail.

(iv)The appellants shall not give any inconvenience or trouble knowingly or unknowingly to the 2nd respondent, failing which, the bail shall be cancelled without any further reference.

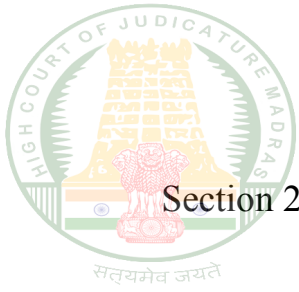
(v)the appellants shall not commit any offences of similar nature;

(vi)the appellants shall not abscond either during investigation or trial;

(vii)the appellants shall not tamper with evidence or witness either during investigation or trial;

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

(ix)if the accused thereafter absconds, a fresh FIR can be registered under



Section 229A IPC.

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8. In view of the above, the impugned order in CrI.M.P.No.984 of 2025, dated 22.04.2025 passed by the learned Principal District and Session Court, Kallakurichi is set aside and the Criminal Appeal is, accordingly, allowed.

gbi/jai

16-05-2025

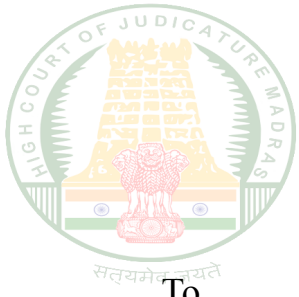
Note: Issue order copy on 21.05.2025.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The State Rep. by its, The Station
House Officer,
Thiyagadurugam Police Station,
Kallakurichi District.

2. Subramaiyan
S/o. Muthaiyan, Mariyamman Kovil
Street, New Colony, Veerachozhapuram
Village, Kallakurichi District.

3. The Public Prosecutor,
High Court of Madras,
Madras.

4. The Principal District and Sessions
Court, Kallakurichi.

5. The Superintendent,
Central Prison,
Cuddalore District.



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M.NIRMAL KUMAR J.

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