



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1449 of 2025

KANNAN

S/o. Govindaraju, No. 423,
Angalamman Kovil Street,
S.Andipalaya, Vadhanur,
Villupuram District.

Appellant(s)

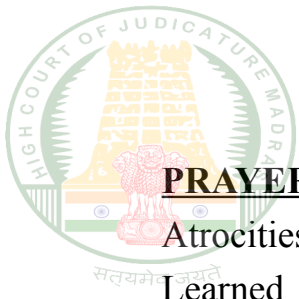
Vs

1. State Rep by its,Superintendent of
Police officer,
Puducherry.

2.State Rep by its, Station House
Officer,
PCR Police Station, Puducherry,
(Cr.No. 3/2025)

3.P.Kowsalya
S/o. Pushparaj, No.30, Mariamman
Koil Street, Bheeman Nagar, Sompattu,
Puducherry.

Respondent(s)



PRAYER:- Criminal Appeal filed under Sec.14(a)(2) of SC/ST (Prevention of Atrocities) Act, praying to allow the appeal and set aside the dismissal by the Learned II Additional Sessions Judge at Puducherry in CrI.MP.No.1459/2025 and same was dismissed on 28.08.2025 and enlarged the appellant on bail in Cr.No. 3/2025 on the file of the respondent police.

For Appellant(s): Mr. S. Dhilipan

For Respondent(s): Mr.K.S.Mohandoss, Public Prosecutor
(Pudy.) For R1 And R2

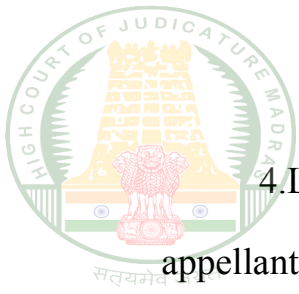
Mr.A.Murugavel for R3

ORDER

This Criminal Appeal has been filed as against the order made in CrI.M.P.No.1459 of 2025 dated 28.08.2025 on the file of the II Addl. Sessions Judge at Puducherry, thereby dismissing the petition for bail.

2.Heard the learned counsel appearing for the appellant and the learned Public Prosecutor (Pundy) for the respondents 1 and 2 and also the learned counsel for 3rd respondent perused the materials placed before this Court.

3.The appellant is arrayed as accused in Crime No.3 of 2025 on the file of the second respondent, registered for the offences punishable under Sections 323, 294(b), 506(ii), 34, 376 I.P.C. r/w Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v) of Scheduled Case/Scheduled Tribes (Prevention of Atrocities) Act, 1989.



4. Learned counsel appearing for the appellant would submit that the appellant has been falsely implicated in this case as if he along with parents of A1 instigated the defacto complainant to commit abortion of the child, but the same was refused, however at that time, all have instigated her to abort. But, in fact, he never involved in the family affairs of A1 and defacto complainant. He would submit that both have got love marriage and now she got male child. He would submit that he is ready to abide any condition that may be imposed by this court.

5. The learned counsel for defacto complainant also appeared and raised objections in allowing this Criminal Appeal.

6. Learned Government Advocate (Criminal Side) would submit that the case of the prosecution is that there was a family dispute between the parties. Further would submit that no previous case is pending as against the appellant and the investigation is almost completed in this case.

7. After registration of FIR as against the appellant, the appellant was arrested and remanded to judicial custody on 15.08.2025. Thereafter, the appellant filed a bail application before the II Addl. Sessions Judge at Puducherry in CrI.M.P.No.1459 of 2025 and the same was dismissed. Hence, the appellant filed the present appeal seeking bail.

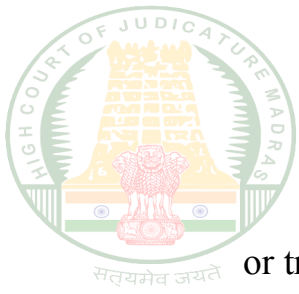


8. On seeing the facts, it reveals that as on date, the other accused also surrendered before the trial court today and already the divorce case is also pending between the defacto complainant and A1. Considering that and considering the above facts and circumstances and also the period of incarceration undergone by the appellant from the date of his arrest i.e., 15.08.2025 and the fact that since there is a family dispute between the parties, this Court is inclined to grant bail to the appellant. Accordingly, the order made in CrI.M.P.No.1459 of 2025 dated 28.08.2025 on the file of the II Addl. Sessions Judge, Puducherry is hereby set aside. This Criminal Appeal stands allowed.

9.The appellant is ordered to be released on bail on his execution of a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the Learned Judicial Magistrate-III, Puducherry and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the appellant shall report before the respondent police **on every Saturday at 10.30 a.m., for the period of three months** and he shall cooperate with the trial proceedings.



[c] the appellant shall not abscond either during investigation or trial.

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[d] the appellant shall not tamper with evidence or witness 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

15-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. II Addl. Sessions Judge, Puducherry.

2. Superintendent of Police officer, Puducherry.

3. Station House Officer,

PCR Police Station, Puducherry.

4. The Superintendent of Prison, Central Prison, Kalapet, Puducherry.

5. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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