

Crl.A(MD)No.376 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A(MD)No.376 of 2025

Bhuvaneswari

... Appellant

Vs

1.State of Tamil Nadu
Represented by
The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.

2.The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
Crime No.209/2025.

3.Thirumalaisamy

... Respondents

PRAYER: Appeal filed under Section 14-A(2) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the records relating to the order in Cr.M.P.No.691 of 2025, on the file of the Court of Sessions, Tenkasi Division, dated 17.03.2025 and to set aside the same by granting bail to the appellant.



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For Appellant : Mr.P.Praveenkumar
For R1 & R2 : Mr.A.S.Abul Kalam Asad
Government Advocate
R3 : Mr.I.Kannapatel

J U D G M E N T

The appellant is an accused in Crime No.209 of 2025, on the file of the respondent police. She was arrested on 06.03.2025 for the offence under Sections 296(b), 118(1) and 351(3) of BNS, 2023 r/w 3(1)(r), (3)(1)(s), 3(2)(Va) of SC/ST (POA) Act. The bail application filed by the appellant before the Principal Sessions Court, Tenkasi in Cr.MP.No.691 of 2025 was dismissed on 17.03.2025 and therefore, the appellant has filed this Criminal Appeal under, Section 14A(2) of the SC/ST Act, 1989 as amended by Act 1 of 2016.

2.The appellant is a married woman, having two children. Due to some misunderstanding between the appellant and her husband, they separated. she had filed a petition seeking divorce before the Sub Court, Tenkasi in HMOP.No.94 of 2022. She has also filed a petition seeking maintenance before the Judicial Magistrate Court,



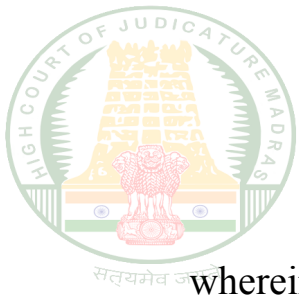
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Sankarankoil in MC.No.9 of 2024, which was listed on 05.03.2025, for cross examination of this appellant and it was adjourned. The appellant is said to have entered into the Judicial Magistrate's Court hall on 06.03.2025 and abused the Judicial Officer that he should not pass any adverse order as against her. After that she assaulted the third respondent, an Advocate for her husband in the Maintenance case, when he was taking tea in the tea shop situated opposite to the Court and caused head injuries to him. Therefore, he was admitted in the hospital. Based on this incident, the appellant was arrested on 06.03.2025 and she is in jail nearly for one month.

3.The learned Counsel for the appellant submits that the appellant is suffering without any maintenance and on frustration this incident had occurred. However she has been unnecessarily roped in this case.

4. The learned counsel appearing for the defacto complainant submits that the occurrence had taken place in the Court premises,



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wherein, the appellant is said to have abused the Judicial Officer that no orders should be passed without hearing her. She also went to the extent of assaulting the Advocate, who is appearing against her. He further submits that the appellant has also brought the media persons and projected her case otherwise in the Media. He also claims that the entire episode has been captured in CCTV camera, which is available in the Court premises. For such conduct of this appellant, this Criminal Appeal has to be dismissed. The learned counsel has also filed an affidavit as under:-

"The above maintenance case was lastly came up before the Judicial Magistrate on 05.03.2025 for the purpose of cross examination of accused. However, on that particular day of 05.03.2025, accused herein was not cross examined by the third respondent and the case was adjourned to 05.05.2025. It is kindly pertinent to note that no single question was posed by the counsel before the accused on that above date 05.05.2025 and the said fact is being revealed from the records available with the Judicial Magistrate Court, Sankarankovil. As I contested the case sincerely and dedicate fully for my client, the accused developed vengeance against me and waiting for opportunity to harm



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me by any means at any cost, with the view to stop me from appearing for my client."

5.The learned counsel further submits that this appellant has abused the third respondent by degrading his community that how this Advocate, belong to a particular community can question her in cross-examination. He also submits that this appellant has defamed the Judiciary as well as the third respondent in the Media. The learned counsel further submits that this act of the appellant has to be deprecated in a firm manner, otherwise, the independence of the Judiciary would be affected.

6.The learned Government Advocate appearing for the official respondents submits that the appellant has filed a maintenance application as against her husband one Pachamal, in MC No.9 of 2024, before the Judicial Magistrate Court, Sankarankovil. The said case was listed for cross-examination of the appellant/ complainant in MC No.9 of 2024. The third respondent/defacto complainant is the counsel for



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her husband and cross-examined the appellant on 05.03.2025, from 12.15 p.m to 12.50 p.m. On the next day, i.e. On 06.03.2025, when the defacto complainant was standing in a tea stall located in front of the Court campus, the appellant has attacked him with an iron bucket, which was kept in the tea stall.

7.This Court considered the rival submissions made and also perused the materials placed on record.

8.The appellant has initiated a proceedings as against her husband for maintenance, under Section 125 of Criminal Procedure Code and the same is pending before the Judicial Magistrate Court, Sankarankovil in MC No.9 of 2024. When the case was listed before the Judicial Magistrate on 05.03.2025, for cross examination of this appellant, this appellant was cross-examined by the defacto complainant/the third respondent, who is defending the case on behalf of her husband. The evidence recorded on 05.03.2025 is not available before this Court, however, the appellant aggrieved with the manner,



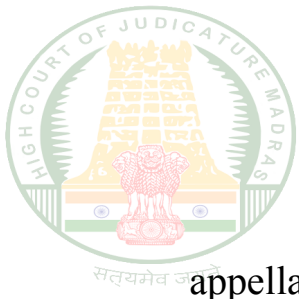
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in which, the questions have been put to her, on frustration, she said to have attacked the defacto complainant on the next day, when he was taking tea in a tea stall. Admittedly, this appellant is not living with her husband and she is agitating for maintenance before the Judicial Magistrate Court. It appears that the children are with the husband. In these circumstances, this incident might have taken place on account of frustration, as claimed by the appellant's counsel. The appellant is in jail for nearly 30 days.

9.Considering the facts and circumstances of the case, her period of incarceration and also the fact that the appellant is agitating for maintenance before Judicial Magistrate Court, Sankarankovil, this Court is inclined to allow this Criminal Appeal, by setting aside the order passed by the Court of Sessions, Tenkasi.

10.Accordingly, this Criminal Appeal is allowed and the order passed by the learned Principal Session Judge, Tenaksi, in Cr.M.P.No.691 of 2025, dated 17.03.2025 is hereby set aside. The



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appellant is ordered to be released on bail on the following conditions:-

i) The appellant shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Principal Session Judge, Tenaksi.

ii) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii)The appellant shall report before All Women Police Station, Sankarankovil, daily at 10.30 a.m., for a period of 15 days and thereafter once in a week, till filing of the final report in Crime No.209 of 2025.

vi) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.



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11.Considering the manner in which, the incident was taken place, this Court is of the view that it would not be conducive for allowing the maintenance proceedings to proceed, which is pending on the file of the Judicial Magistrate Court, Sankarankovil, after this incident. Therefore, the learned Principal District Judge, Tenkasi is directed to take a call on this issue and to transfer the proceedings in MC No.9 of 2024, to some other Court, if necessary. The District Judge shall also ensure that the proceedings in MC No.9 of 2024 is not affected with any further untoward incidents.

07.04.2025

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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To
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- 1.The Principal District Court, Tenkasi.
- 2.The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.
- 3.The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
Crime No.209/2025
- 4.The Inspector of Police,
All Women Police Station,
Sankarankovil.
- 5.The Superintendent, Central Prison for women,
Kokkirakulam,
Tirunelveli.



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B.PUGALENDHI, J.,

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Judgment made in
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