

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Criminal Appeal No.390 of 2017

Arul

... Appellant/Accused

versus

State rep. by
Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District. ... Respondent/Complainant
(Crime No.195/2017)

Prayer: Criminal Appeal filed under Section 14(A)(2) of the Scheduled Castes and the Schedules Tribes Act, 1989 to set aside the order dated 28.06.2017 passed in Crl.M.P.No.1814 of 2017 on the file of the learned District and Sessions Judge, Nagapattinam and enlarge the appellant on bail in Crime No.195 of 2017 on the file of Inspector of Police, Keelaiyur Police Station, Nagapattinam District.

For Appellant : Mr.Swami Subramanian

For Respondent : Mr.K.Madhan
Government Advocate [Crl.Side]

J U D G M E N T

The appellant is the sole accused in Crime No.195 of 2017 on the file of the respondent police seeks bail for the offences under Sections 417 and 376 (1) IPC r/w 3(1)(w)(i), 3(2)(va) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015.

2. The case of the prosecution is that the appellant and the victim girl loved each other and that, the appellant on the promise of marriage had sexual relationship with the victim girl. However, later he refused to marry her and therefore, the victim girl lodged a complaint and the case was registered and investigated. The learned District and Sessions Judge, Nagapattinam, dismissed the bail petition on 28.06.2017 on the ground that the investigation was not completed.

3. The learned counsel appearing for the appellant would submit that a false complaint has been lodged by the victim girl and nothing had occurred as alleged by her. He would further submit that the appellant is ready to face the trial for the alleged offences in order to defend his case and hence, he may be granted bail.

4. The learned Government Advocate [criminal side] appearing for the respondent would submit that at the time of occurrence, the victim girl was a minor and the investigation is almost completed. He would further submit that he has no serious objection for granting bail to the appellant subject to suitable conditions.

5. Having regard to the submissions that the appellant and the victim girl were lovers and that, there is no fear that the appellant will flee from justice and taking into account the fact that the investigation is almost completed, this Court is of the view that further incarceration of the appellant may not be necessary to proceed further and hence, he can be granted bail with certain conditions.

6. Accordingly, 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 District and Sessions Judge, Nagapattinam and on further condition that the appellant shall report before the learned Judicial Magistrate No.II, Nagapattinam daily at 10.30 a.m. until further orders.

7. In the result, the Criminal Appeal is allowed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sri

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To

1.The District and Sessions Judge,
Nagapattinam.

2.The Inspector of Police,
Government of Tamil Nadu,
Keelaiyur Police Station,
Nagapattinam District.

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

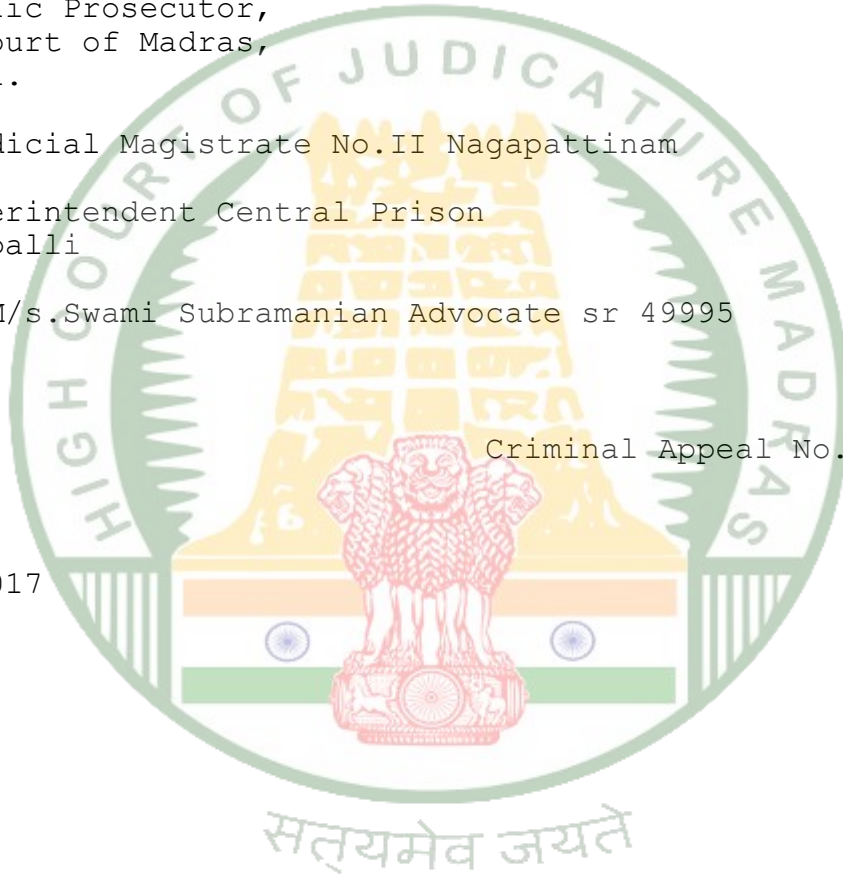
4. The Judicial Magistrate No.II Nagapattinam

5.The Superintendent Central Prison
Tiruchirapalli

+1 cc to M/s.Swami Subramanian Advocate sr 49995

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