

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2017

CORAM

THE HONOURABLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.A.No.611 of 2017

& Crl.M.P.No.12368 of 2017

N.Annadurai

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
All Women Police Station,
Tiruvannamalai,
Tiruvannamali District.
(Crime No.27 of 2017)

..Respondent/ Complainant

Criminal Original Petition filed under Section 14 A(1) of Scheduled case and the schedule tribes (Prevention of Atrocities)Amendment Act, 2015 to set aside the order dated 18.09.2017 made in Cr.M.P.No.3488 of 2017 passed by the learned District and Sessions Judge, Tiruvannamalai and enlarge the appellant on bail pending investigation in Crime No. 27 of 2017 on the file of the respondent police.

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For Petitioner : M/s. A.Prakash

For Respondent : Mr.P.Govindarajan
(Additional Public Prosecutor)

This petition has been filed to to set aside the order dated 18.09.2017 made in Cr.M.P.No.3488 of 2017 passed by the learned District and Sessions Judge, Tiruvannamalai and enlarge the appellant on bail pending investigation in Crime No. 27 of 2017 on the file of the respondent police.

2. The petitioner, who was arrested on 12.09.2017 for the offences punishable under Sections 376,417,294(b),506(i) IPC and Section 3(1)(i),3(1)(r), 3(1)(s), 3(i)(1)(w)(ii) SC/ST Prevention of Atrocities Amendment Act 2015, on the file of the respondent police has come up with the present appeal.

3. Heard the learned Additional Public Prosecutor and the learned counsel appearing for the petitioner.

4. The case of the prosecution is that the first accused on a false promise to marry the defacto complainant forcibly had sexual relationship with her, but subsequently, rejected her, on grounds of caste.

5. The learned counsel for the petitioner submits that the petitioner is only the father of the first accused and he is no way connected with the affairs of his son.

6. Considering the fact that the petitioner is only father of the first accused and is no way connected with the love affairs of the defacto complainant and the first accused, I am inclined to allow this petition.

7.Hence, the petitioner 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 Judicial Magistrate No.2, Thiruvannamalai and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

8. Accordingly, the order passed by the learned District and Sessions Judge, Tiruvannamalai in CrI.M.P.No.3488 of 2017 dated 18.09.2017 is set aside. This Criminal Appeal is allowed. Consequently, connected miscellaneous petition is closed.

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27.09.2017

Note: Issue order copy on 03.10.2017

aav/rg

G.R.SWAMINATHAN, J.

aav/rg

To

1. The District and Sessions Judge,
Tiruvannamali
2. The Inspector of Police,
All Women Police Station,
Tiruvannamalai,
Tiruvannamali District.
3. The Public Prosecutor,
High Court, Madras.



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