

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.A.No.373 of 2018

1. Shanmugam
2. Vijayalakshmi
3. V. Ramasamy ...Appellant/Accused-1,2&4

..Vs..

State rep.by Inspector of Police,
Gobichettipalayam Police Station,
Erode District
Crime No.347 of 2018 ...Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 14-A of S.C.S.T.Act (Prevention of Atrocities (Amendment) Act, to set aside the order passed by the learned Principal District and Sessions Judge, Erode/Special Judge for SC ST Cases, Erode in Crl.M.P.No.767 of 2018 dated 25.06.2018 in Crime No.347 of 2018 on the file of the respondent police.

For Petitioner : Mr.A.Gokulakrishnan

For Respondent : Mr.R.Surya Prakash
Government Advocate (Crl.Side)

O R D E R

Heard both sides.

2. The learned counsel for the petitioner has submitted that the petition seeks bail for the alleged offences under Section 3 (2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) (Amendment) Act r/w 143, 341 and 365 of Indian Penal Code in Crime No.347 of 2018 dated 13.06.2018.

3. The case of the prosecution is that the petitioners who are arrayed as A1 to A4 were arrested and remanded to judicial custody on 14.06.2018 and based upon the complaint given by the mother of the first victim, F.I.R was registered for the alleged offence under Section 3 (2) (v) (a) of the Scheduled Tribe (Prevention of Atrocities) (Amendment) Act in Crime No.347 of 2018 on the file of the respondent police.

4. The learned Government Advocate (crl.side) has submitted that both the son and daughter-in-law of the defacto-complainant have been rescued and though the victim girl is the daughter of the first accused, since he was married to the victim I, she went along with his husband.

5. Considering the fact that now the girl is more than 21 years, she has chosen her own path. According to the learned Government Advocate (Crl.side), appearing for the respondent, there are 6 more persons yet to be arrested.

6. Heard both sides and perused the records.

7. The victim girl is a major and said to have married victim boy. After hearing the phone call from the brother of the victim girl, they have went to the Temple where the alleged offence is said to have taken place. Both the boy and girl have been rescued and moved with the defacto-complainant. The victim girl is a major and married the first victim. Considering the fact that the some accused persons are yet to be arrested, however, they are not named in the F.I.R.

8. Taking note of the fact that the victims are rescued, I am inclined to grant relief of bail to the petitioners.

9. Accordingly, it is ordered that the petitioners shall be released on bail, subject to the following conditions:-

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum, to the satisfaction of the learned Judicial Magistrate-I, Tirupur.

(ii) the petitioners have to be away from Erode District and report before the Judicial Magistrate No.I, Tirupur for a period of eight weeks on all working days at 10.30 a.m and thereafter, as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness during trial.

(iv) the petitioners shall not abscond during trial

(v) on breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.State of Kerala [(2005) AIR SCW 5560]

(vi) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A I.P.C

10. With the above directions, this Criminal Appeal is allowed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE/
SPECIAL JUDGE FOR SC SC CASES,
ERODE

2. THE INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE.

3. THE JUDICIAL MAGISTRATE NO.1,
TIRUPUR.

4. DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUPUR.

5. THE SUPERINTENDENT,
SUB JAIL, ERODE.

6. THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT, MADRAS.

+1cc to Mr.A.GOKULAKRISHNAN, Advocate, S.R.No. 44713

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AK(CO)
TR(10/07/2018)

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