

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Cr1.A.No.75 of 2018

Kesavan

...Appellant

Vs.

State by: The Inspector of Police
All Women Police Station,
Ammamet,
Salem District.
(Crime No.8 of 2017)

...Respondent

PRAYER: Appeal filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 18.01.2018 passed in C.M.P.No.52 of 2018 on the file of the Sessions Judge, Mahila Court, Salem, enlarge the petitioner on bail in crime No.8 of 2017 on the file of the Inspector of Police, All Women Police Station, Ammapet, Salem District in S.C.No.70 of 2017 on the file of the Sessions Judge, Mahila Court, Salem, pending Trial.

For Appellant : Mr.B.Vasudevan

For Respondent : Mr.T.Shanmuga Rajeswaran
Government Advocate

JUDGMENT

This Criminal Appeal is filed by the petitioner to to set aside the order dated 18.01.2018 passed in C.M.P.No.52 of 2018 on the file of the learned Sessions Judge, Mahila Court, Salem, to enlarge the petitioner on bail in crime No.8 of 2017 on the file of the Inspector of Police, All Women Police Station, Ammapet, Salem District in S.C.No.70 of 2017, pending Trial.

2. After hearing both sides. Considering the fact that allegedly under Sections 363, 506(ii) IPC, r/w Sec.3(a) and 4 of Protection of Children from Sexual Offences Act 2012, the final

report has been filed and the same has been taken on file in S.C.No.70 of 2017 and the appellant herein is sole accused to move the CrI.M.P.No.52 of 20158 and the bail was dismissed. Finding that, if the bail is granted, the appellant would threaten the victim girl, the Trial Court dismissed the bail application.

3. The learned counsel for the petitioner submitted that the matter is posted for trial and PW1 entered into the witness box and given evidence. He further submitted that , in view of the observation made in the dismissal order in the bail application and this Appeal being the first Appeal against the dismissal of the bail application, the appellant prays for grant of bail.

4. The learned Government Advocate, on instructions, submitted that the matter is originally listed for examination of PW1 and listed for hearing on 13.04.2018. However, since the accused was not produced before the Court, on the trial could not be commenced and hence, the trial stands re-scheduled to future dated. The learned Sessions Judge also required to inform the respondent to cause production of the accused during next hearing for the examination of PW1, as scheduled.

5. This Court is of the opinion that the Court below has meticulously dealt with the issue and passed the order, which does not require any interference by this Court. Hence, this Appeal is disposed of, with direction to the commence the examination of victim at the earliest time and further liberty is given to the appellant to move the bail application, before the learned Sessions Court, after chief examination of LW1, if he chooses to file so.

6. This Criminal Appeal is disposed of, accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

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To
1.The Inspector of Police
All Women Police Station,
Ammamet, Salem District.

2.The Sessions Judge,
Mahila court, Salem.

Cr1.A.No.75 of 2018

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