

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated:27.02.2018
CORAM
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN
Criminal Appeal No.83 of 2018

Muthu

... Appellant/Accused

Vs

State rep. by
Inspector of Police,
Erode North Police Station,
Erode District.

.... Respondent/Complainant

Prayer: Criminal appeal preferred under Section 14-A of S.C/S.T.Act (Prevention of Atrocities Amendment Act 2015 r/w 374 (3) of the Criminal Procedure Code, against the order passed by the learned Additional Sessions Judge, Magalir Neethimandram (Fast Track Court), Erode in Crl.M.P.No.25/2018 dated 05.02.2018, dismissing the Bail Petition for the alleged offence under Section 376 of IPC and Section 4 of Protection of Children from Sexual offences Act under Section 3(2) (V) & 3(W) (ii) (i) of SC/ST Prevention of Atrocities Amendment Ordinance Act 2014.

For Petitioner :Mr.C.S.Saravanan

For Respondent :Mrs.T.P.Savitha

Government Advocate (Crl.side)

JUDGMENT

The Appeal is filed against the order passed by the learned Additional Sessions Judge, Magalir Neethimandram (Fast Track Court), Erode in Crl.M.P.No.25/2018 dated 05.02.2018, dismissing the Bail Petition for the alleged offence under Section 376 of IPC and Section 4 of Protection of Children from Sexual offences Act under Section 3(2) (V) & 3(W) (ii) (i) of SC/ST Prevention of Atrocities Amendment Ordinance Act 2014.

2. Based on the Non Bailable Warrant issued on 05.02.2016, the appellant was arrested on 23.10.2017 and remanded to Judicial custody. The appellant filed Crl.M.P.No.25/2018 for bail before the said Court which was dismissed on 05.02.2018.

3. It is the case of the petitioner that he is facing the trial in S.C.No.180 of 2015 on the file of learned Additional Sessions Judge, Magalir Neethimandram (Fast Track Court), Erode, for offences under Section 376 of IPC and Section 4 of Protection of Children from Sexual offences Act under Section 3

(2) (V) & 3(W) (ii) (i) of SC/ST Prevention of Atrocities Amendment Ordinance Act 2014.

4. The case is now pending for framing of charge. Non Bailable Warrant was issued against the appellant on 05.02.2016 for his non appearance. The Non Bailable Warrant was pending against the accused from 05.02.2016 and based on the Non Bailable Warrant, he was arrested on 23.10.2017. The appellant is in judicial custody since 23.10.2017. Therefore, I am inclined to grant bail to the appellant on the following conditions:

(a) the Criminal Appeal is allowed and the order dated 05.02.2018 made in CrI.M.P.No.25 of 2018 is set aside;

(b) the appellant shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter as and when required for interrogation.

(c) the appellant is directed to appear before the Court regularly on every hearing without filing any petition under Section 317 Cr.P.C.;

(d) The learned Additional Sessions Judge, Magalir Neethimandram (Fast Track Court), Erode, is directed to dispose the case within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The Additional Sessions Judge,
Magalir Neethimandram (Fast Track Court),
Erode.

+1 cc to Mr.C.S.Saravanan Advocate sr 14766

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