

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.A.No.632 of 2018

Anbazhagan

... Appellant

.. Vs ..

State rep by its
The Station House Officer,
All Women Police Station,
Panruti, Cuddalore District
(Crime No.10 of 2018)

... Respondent

PRAYER: Criminal Appeal filed under Section 14 A Provision of SC/ST (POA) Act., to set aside the order passed in Crl.M.P.No.545 of 2018 by the Hon'ble Court of Sessions Judge, Mahila Court, Cuddalore, dated 27.07.2018 in connection with the case in unnumber S.C.No.....of 2018 on the file of the Court of the Sessions Judge, Mahila Court, Cuddalore.

For Appellant : Mr.M.Senthilkumar

For Respondent : Mrs.V.Sarathadevi
Govt.Advocate (Crl.side)

JUDGMENT

This appeal is preferred by appellant/accused whose bail application filed under Section 439 Cr.P.C., in respect of the offences under Sections 451 of I.P.C and Sections 7 and 9(k) of POCSO Act 2012 read with Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, was dismissed by the impugned order dated 27.07.2018 in Crl.M.P.No.545 of 2018 in Cr.No.10 of 2018.

2. The case of the prosecution is that one Murugan who is the defacto complainant, has given a complaint before the respondent police on 03.07.2018 at about 07.00 a.m. The de-facto complainant and his family members were out of station, taking advantage of the situation, the appellant trespassed into the house of the victim, namely Vinothini, who is aged about 16 years and who is an unsound child and he had tried to have

intercourse with her in front of the victim's brother Vishva and neighbours who came to the house, and he had run away from the scene of occurrence. The appellant further submits that they belong to Scheduled Caste community. Hence, the respondent police have registered a case for the said offences.

3. The earlier bail application filed before the Court below was dismissed by the impugned order, and hence, this appeal is filed under Section 14-A of the said SC and ST Act.

4. Heard both sides.

5. The learned counsel for the petitioner has submitted that the appellant/petitioner is in custody since 03.07.2018 and seeks bail.

6. The learned Government Advocate (Crl.side) has submitted that the appellant/accused was arrested and remanded on 03.07.2018 and after investigation, charge sheet has been filed on 28.08.2018 and the matter has been taken on file by the Sub-Judge in Spl.S.C.No.59 of 2018 and it is posted for framing of charges.

7. Taking into consideration the facts and circumstances of the case and also taking into account the rival submissions made by the learned counsel appearing for the parties and taking note of the fact that for more than 100 days, the appellant is in custody and investigation has been completed and charge sheet has also been laid, I am inclined to grant bail.

8. Accordingly, this Criminal Appeal Petition is allowed. The impugned order passed by the Court below is set aside, with the following directions:

(i) The appellant shall 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 Mahila Court (Sessions Court), Cuddalore.

(ii) The appellant shall appear before the said Court every Monday at 10.30. a.m. until further orders.

(iii) The appellant shall not tamper with evidence or witness during trial.

(iv) The appellant 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 appellant in accordance with law, as if the conditions have been imposed and the appellant and 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 appellant absconds, a fresh FIR can be registered under Section 229-A I.P.C.

Sd/-
Deputyt Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Mahila Court, Cuddalore.

2. The Station House Officer,
All Women Police Station,
Panruti,
Cuddalore District
(Crime No.10 of 2018)

3. The Public Prosecutor,
High Court, Madras

4. The Sub Judge, Cuddlaore.

+lcc to Mr.M.Senthil Kumar, Advocate SR.No.20156

GMV (02/11/2018)

Cr1.A.No.632 of 2018

सत्यमेव जयते

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