



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD)No.145 of 2018

M.Chandrasekar : Appellant/Petitioner/Sole Accused

Vs.

The State rep. by
The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
(Crime No.2 of 2018)

:1st Respondent/Complainant/Complainant.

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, to admit this appeal on file, to call for the records and set aside the order passed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi in Cr.M.P.No.78 of 2018 on 05.03.2018 and enlarge the appellant on bail by allowing this appeal.

For Appellant

: Mr.V.Malaiyendran

For Respondent

: Mrs.S.Bharathi,

Government Advocate (Crl.side)

JUDGMENT*****

On the complaint lodged by Muthu, the respondent police registered a case in Crime No.2 of 2018 on 14.01.2018 under "Girl Missing". It is the case of the defacto complainant that his daughter Selvi, aged about 17 years, studying Diploma in ECE in CSI Polytechnic, went to the Market for taking photocopy, but, did not return. During the course of investigation, it was found that Selvi was in love with the appellant, who is her classmate and both of them ran away. Selvi was secured and the appellant was arrested on 23.01.2018. Thereafter, the case was altered to Section 5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w-i) of SC/ST (POA) Amendment Act, 2015. The appellant filed Cr.M.P.No.78 of 2018 for bail, which has been dismissed by the Sessions Court on 05.03.2018, challenging which, the present appeal has been filed.

2. Heard Mr.V.Malaiyendran, learned counsel for the appellant and Mrs.S.Bharathi, learned Government Advocate (Criminal side) for the respondent.



3. On facts, it is seen that the appellant and Selvi were classmates studying together in the same College and that they loved each other and they ran away. The appellant is 18 years old and Selvi is 17 years old. The appellant is in incarceration from 23.01.2018. The statement of Selvi has also been recorded under Section 164 of the Code of Criminal Procedure. In such view of the matter, this Court is of the view that this is a fit case to grant bail to the appellant.

4. In fine, the Criminal Appeal is allowed and the Appellant/Accused is ordered to be released on bail, subject to the following conditions:

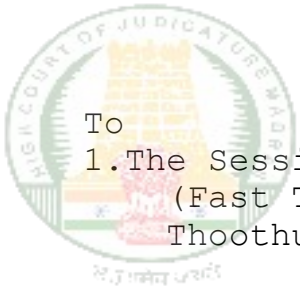
- (i) the appellant / accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Mahila Court (Sessions Level), Thoothukudi District;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Mahila Court (Sessions Level), Thoothukudi District, may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant / accused shall report before the respondent police daily at 06.30 p.m., for a period of two weeks and thereafter, as and when required by the respondent police for interrogation.
- (iv) the appellant / accused shall not tamper with evidence or witness either during investigation or trial.
- (v) the appellant / accused shall not abscond either during investigation or trial.
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant / accused in accordance with law as if the conditions have been imposed and the appellant / accused 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].

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1. The Sessions Judge, Mahalir Neethimandram
(Fast Track Mahila Court),
Thoothukudi.

2. The Judicial Magistrate, Santhankulam,
Thoothukudi.

3. The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.

4. The Superintendent, Bosco School, Nanguneri

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Judgment made in
Crl.A. (MD) No.145 of 2018
Dated:-
23.03.2018

SML

AM/SKN RSK/SAR 1/23.03.2018/3P/6C