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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2018

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THE HONOURABLE MRS. JUSTICE R.THARANI

Cr1. A.(MD)No.187 of 2018

P.Kalidas

.. Appellant/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.

2.The State represented through
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(in Crime No.795 of 2017) ... Respondents/Complainants

3.Balamurugan ... Respondent/Defacto Complainant

Prayer : This appeal is filed under 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended by Act 1/2016 to call for the records and set aside the bail dismissal order of the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputtur in Cr.M.P.No.720 of 2018 in Cr. No.795 of 2017 dated 18.03.2018.

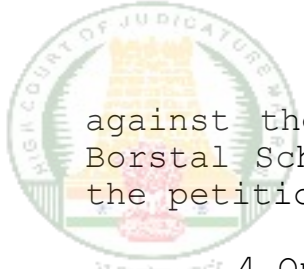
For Appellant : Mr.R.Alagumani
For R-1 and R-2 : Mr.M.Chandrasekar
Additional Public Prosecutor

J U D G M E N T

Heard Mr.R.Alagumani, learned counsel appearing for the appellant and Mr.M.Chandrasekar, learned Additional Public Prosecutor appearing for the first and second respondents.

2.This appeal has been filed against the dismissal order in Cr.M.P.No.720 of 2018 in Crime No.795 of 2017 passed by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputtur dated 18.03.2018.

3.On the side of the appellant, it is stated that the appellant is aged 19 years and the daughter of the defacto complainant is aged 17 years and both are neighbours. The appellant eloped with the victim to Comibatore and there is no bad antecedent



against the appellant and the appellant is under the custody of Borstal School, Melur from 26.01.2018 onwards. He prays to release the petitioner on bail.

4. On the side of the respondents, it is stated that the appellant is also a juvenile boy and the victim is a minor girl. The boy was under going training as apprentice in Comibatore. He was arrested and remanded to judicial custody on 26.01.2018 and he is still in custody. A case has been registered in Crime No.932 of 2017, for the alleged offences punishable under Section 366(A) IPC, Section 5(1) read with 6 of the Protection of Children from Sexual Offences Act (POCSO Act) 2012, Section 3(2) (i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as against the appellant herein. The appellant is arrayed as sole Accused in this case, and oppose granting of bail to the appellant.

5. I have considered the above submissions and perused the records.

6. Considering the facts and circumstances of the case and considering the appellant's age, he is also a juvenile boy this Court is inclined to release the accused on bail with certain conditions.

7. In the result, this Criminal Appeal is allowed, the order dated 18.03.2018 passed by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputtur in Cr.M.P.No.720 of 2018 in Cr. No.795 of 2017, is set aside and the appellant is ordered to be released on bail on his executing 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 learned Fast Track Mahila Court, Srivilliputtur and on further condition that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) On release, the appellant /sole accused shall report before the respondent Police at 10:30 a.m., in the morning and 05:30 p.m., in the evening for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.
- (iii) the appellant / sole accused shall not tamper with evidence or witness either during investigation or trial.



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(iv) the appellant / sole accused shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant /sole accused in accordance with law as if the conditions have been imposed and the appellant / sole 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(P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Virudhunagar District at Srivilliputtur.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.
- 3.The Officer Incharge,
Borstal School, Melur.
- 4.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.Alagumani, Advocate SR.No. 6745

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