



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.A.(MD)No.351 of 2018

WEB COPY

Naveenkumar

.. Appellant/ Accused

.Vs.

1) The State though the
Deputy Superintendent of Police,
Theni Sub Division,
All Women Police Station,
Theni.
Under Cr.No.14 of 2018

.. 1st Respondent/
Complainant

2) Mrs.P.Geethalakshmi

.. 2nd Respondent/
De-facto complainant

Prayer: Criminal Appeal filed under Section 378(1) of Criminal Procedure Code, to set aside the orders passed in Cr.M.P.No.1771 of 2018 on the file of the Principal District and Sessions Court, Theni dated 05.07.2018 and to enlarge the appellant on bail under Crime No.14 of 2018, on the file of the respondent police.

For Appellant : Mr.K.R.Laxman

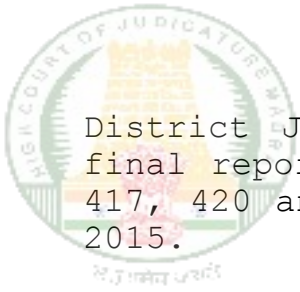
For Respondent : Mr.A.Robinson,
Government Advocate.
(CrI., side)

JUDGMENT

This Criminal Appeal has been preferred against the orders passed in Cr.M.P.No.1771 of 2018 on the file of the Principal District and Sessions Court, Theni dated 05.07.2018 and to enlarge the appellant on bail with the alleged offence under Sections 417, 376, 506(ii) of Indian Penal Code and sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of SC/ST (POA) Amendment Act, 2015 on the file of the respondent Police.

2. Heard the learned counsel appearing for the petitioner. The proof of service of notice to the victim/second respondent filed. No representation on the petition of the victim.

3. The learned Government Advocate (Criminal side) would submit that, the prosecution has completed the investigation. The final report filed and the same has been taken on file by the Principal



District Judge, Theni as Special case in S.C.No.24 of 2018. The final report discloses prima facie case for offences under sections 417, 420 and 493 IPC and Section 3(2)(v) SC/ST (POA) Amendment Act, 2015.

4. Considering the above facts, the Criminal Appeal is Allowed on the following conditions:-

- (i) the appellant shall be enlarged on bail, on his executing of a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Principal District and Sessions Court, Theni;
- (ii) the appellant shall attend the trial, without fail;
- (iii) the appellant shall not tamper with the evidence or witness and
- (iv) on breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the appellant released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in P.K.Shaji vs State of Kerala in 2005 AIR SCW 5560.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal District and Sessions Judge, Theni.
2. The Deputy Superintendent of Police,
Theni Sub Division, All Women Police Station, Theni.
3. The Superintendent, Central Prison, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court. Madurai.

+1CC to Mr.K.R.Laxman, Advocate, SR.No.15400

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STS

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ES/SKN/RSK/SAR 1/11.08.2018/2P/6C