

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.A.No.303 of 2019

Krishna Kumar

.. Appellant/Accused

Vs.

State rep. by
The Inspector of Police,
D-3, Podanur Police Station,
Coimbatore City.

.. Respondent/Complainant

Criminal Appeal filed under Section 14A of the SC/ST (Prevention of Atrocities) Act to set aside the order in C.M.P.No.1615 of 2019 passed by the Vacation Sessions Judge, Coimbatore, and enlarge the appellant on bail, pending investigation in Crime No.413 of 2019 on the file of the Inspector of Police in D-3, Podanur Police Station.

For Appellant : Mr.S.Vijay

For Respondent : Mrs.P.Kritika Kamal,
Govt. Advocate (Crl. Side)

J U D G M E N T

This Criminal Appeal has been preferred by the appellant to set aside the order in C.M.P.No.1615 of 2019, passed by the Vacation Sessions Judge, Coimbatore, and enlarge the appellant on bail, pending investigation in Crime No.413 of 2019 on the file of the Inspector of Police in D-3, Podanur Police Station.

2.It is the case of the prosecution that the appellant, who is already married, suppressed his earlier marriage and got married to the de facto complainant and thereafter, cheated her jewels. A reading of the FIR shows that the de facto complainant is aged about 40 years and she herself is a married lady and has children and got estranged from her husband and developed intimacy with the appellant. The appellant is in incarceration from 09.05.2019.

3.Taking into consideration the nature of allegations in the FIR, this Court is of the view that, it is a fit case to grant

bail to the appellant. Accordingly, this Criminal Appeal is allowed and the order passed by the trial Court in C.M.P.No.1615 of 2019 is set aside.

4.The appellant is 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 Principal District Judge, Coimbatore.

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District Judge, Coimbatore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) on release, the appellant shall report before the respondent police at 10.30 a.m. daily for a period of four weeks and thereafter, he shall appear before the respondent police, as and when required.

(iii) the appellant shall not tamper with evidence or witness either during investigation or trial.

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

(v) on breach of any of the aforesaid conditions, the learned District Judge/Trial Court is entitled to take appropriate action against the appellant in accordance with law, as if the conditions have been imposed and the appellant released on bail by the learned District Judge/Trial Court himself, as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the appellant thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

mkn

Sd/-
Assistant Registrar(CS IX)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

1.The Principal District Judge,
Coimbatore.

2.The Inspector of Police,
D-3, Podanur Police Station,
Coimbatore City.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Vijay, Advocate, SR.No.48292

Cr1.A.No.303 of 2019

Kak(13/06/2019)



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