

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.A.No.310 of 2019

Elumalai

... Appellant/Sole Accused

Vs

The State rep. by
Inspector of Police,
All Women Police Station,
Ammamet, Salem District.
Cr.No.9 of 2019

... Respondent/Complainant

Criminal Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Amendment) Act, 2015 to set aside the order dated 13.05.2019 made in Crl.M.P.No.1 of 2019 on the file of the Sessions Judge, Mahila Court, Salem and to allow the appeal by enlarging the appellant on bail.

For Appellant : Mr.C.Prabakaran

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 dated 13.05.2019 passed by the Sessions Judge, Mahila Court, Salem in Crl.M.P.No.1 of 2019 dismissing the bail petition filed by the appellant in Crime No.9 of 2019.

2.On the complaint lodged by Vijayakumar, the respondent Police registered a case in crime No.9 of 2019 on 28.04.2019 under Section 363 IPC, Section 5(1) r/w 6 of POCSO Act and Section 3(2)(v-a) of SC/ST Act against the appellant herein and arrested him on 28.04.2019 for the said offence. On reading the FIR, it is seen that the appellant was in love with the minor daughter of the complainant, who belongs to the Dalit community and that he had ran away with her. Further, it is seen that the girl was secured and only thereafter, the FIR was lodged and the 164 Cr.P.C. statement of the girl has also been recorded by the Magistrate. The victim girl and the appellant have also been subjected to medical examination.

3.Taking into consideration the above facts, this Court is of the view that it is a fit case to grant bail to the appellant. Accordingly, this appeal is allowed and the order dated 13.05.2019 passed by the Sessions Judge, Mahila Court, Salem in CrI.M.P.No.1 of 2019 is set aside and the appellant is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Sessions Judge, Mahila Court, Salem and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

[b] the appellant shall sign before the Sessions Judge, Mahila Court, Salem at 10.30 a.m. on all working days for a period of four weeks and also as and when required by the Police before the Investigating Officer.

[c] the appellant shall not tamper with evidence or witness either during investigation or trial.

[d] the appellant shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Sessions Judge 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 Sessions Judge 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

1.The Sessions Judge,
Mahila Court, Salem.

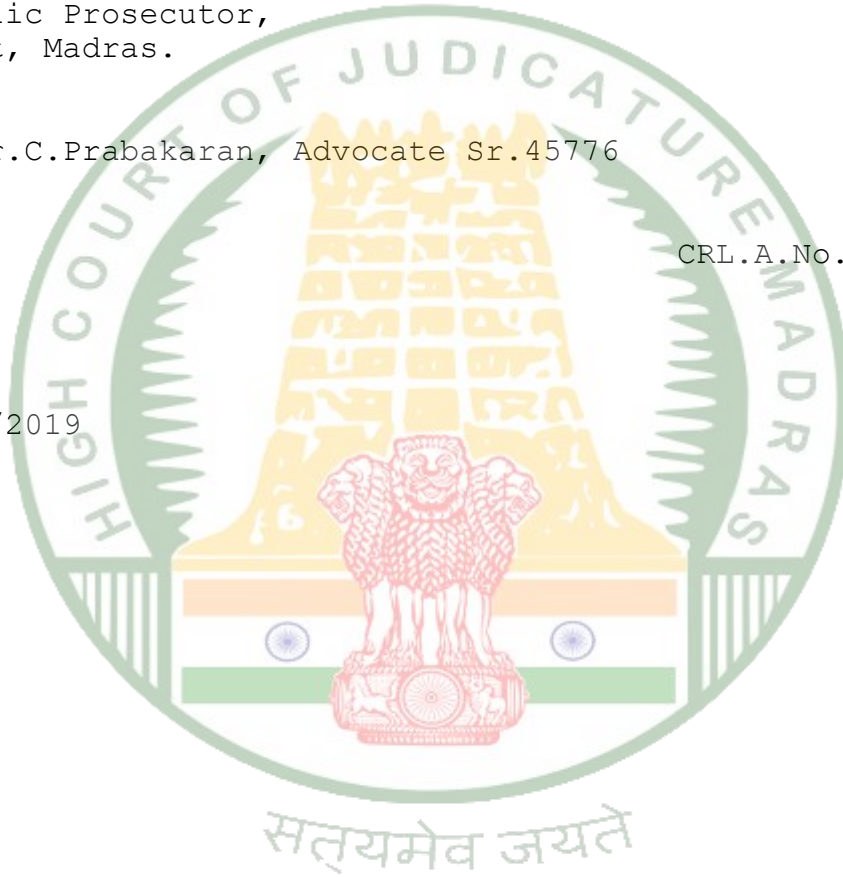
2.The Inspector of Police,
All Women Police Station,
Ammamet, Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate Sr.45776

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vp[co]
srg 07/06/2019



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