

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 09.07.2019

CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.A.No.395 of 2019

Vinoth Kumar

.. Appellant/Accused

Vs

The State of Tamil Nadu,
Rep. by its Inspector of Police,
All Women Police Station,
Chengalpet,
Kancheepuram District.
Cr.No.8 of 2019

.. Respondent/Complainant

Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to call for the records of the order dated 18.06.2019 passed in Crl.M.P.No.2837 of 2019 by the Principal Sessions Judge of Kancheepuram District at Chengalpattu and set aside the same and to direct the appellant be released on bail in Crime No.8 of 2019 on the file of the respondent police.

For Appellant : Mr.W.M.Abdulmajeed

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 18.06.2019 passed by the Principal Sessions Judge, Kancheepuram in Crl.M.P.No.2837 of 2019 dismissing the bail petition filed by the appellant in Crime No.8 of 2019.

2.On the complaint lodged by Amala, the respondent Police registered a case in crime No.8 of 2019 under Section 417, 376, 506(i) IPC r/w Section 3(1)(w)(i) and 3(1)(w)(ii) of SC/ST Act against the appellant herein and the appellant was arrested on 05.06.2019. It is the case of the prosecution that the appellant had physical relationship with the de facto complainant on the promise of marrying her and thereafter, he reneged. The de facto complainant was present before this Court on 02.07.2019. Mr.T.R.Ravi, Enrolment No.816/1998, was appointed

to represent her and the case was adjourned today.

3. Heard the learned counsel for the appellant and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. This Court perused the 164 Cr.P.C. statement of the victim girl, wherein, she has stated that she was in love with the appellant and that they had consensual sex; despite several rounds of mediation talks, the appellant did not come forward to marry her; therefore, she lodged the present complaint alleging rape.

5. Taking into consideration the facts and circumstances of the case, this Court is of the view that this is a fit case to grant bail to the appellant. Accordingly, this appeal is allowed and the order dated 18.06.2019 passed by the Principal Sessions Judge, Kancheepuram in Crl.M.P.No.2837 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 Principal Sessions Judge, Kancheepuram 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 Aadhaar card or Bank pass book to ensure their identity.

[b] the appellant shall sign before the Principal Sessions Judge, Kancheepuram at 10.30 a.m. on all working days for a period of four weeks and thereafter as and when required 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 (Insp.Cell)

//True Copy//

Sub Assistant Registrar

gya

To

1.Principal District and Sessions Judge,
Kancheepuram.

2.The Inspector of Police,
All Women Police Station,
Chengalpet,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

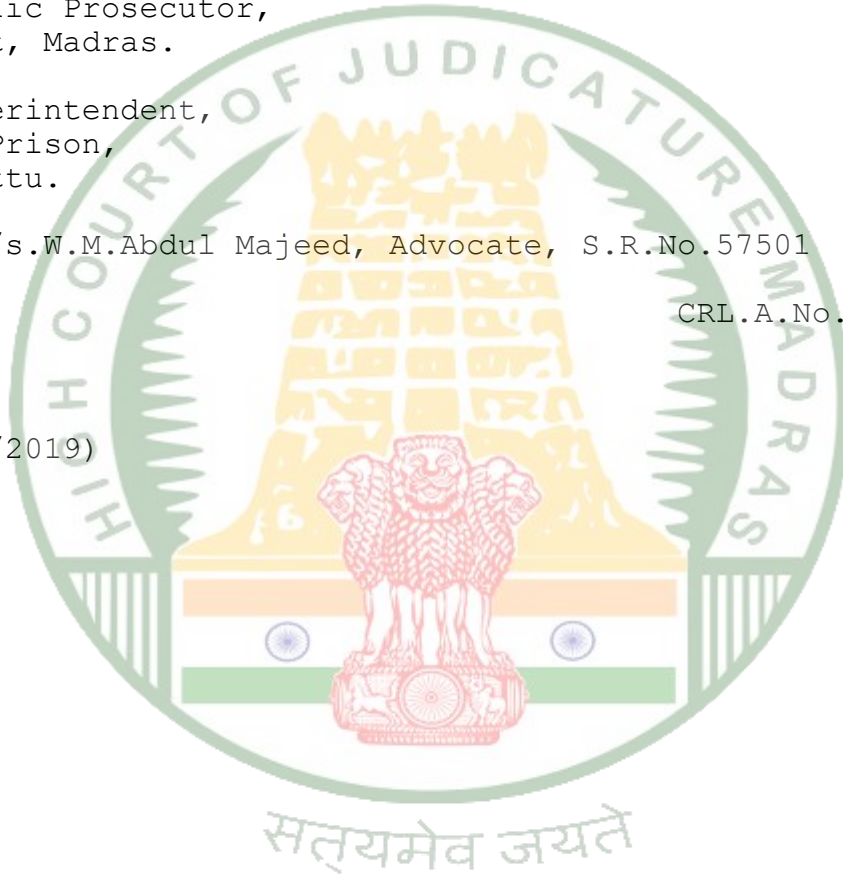
4.The Superintendent,
District Prison,
Chengalpattu.

+1cc to M/s.W.M.Abdul Majeed, Advocate, S.R.No.57501

CRL.A.No.395 of 2019

RK (CO)

RRS (11/07/2019)



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