



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.03.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.26 of 2019

Prakash : Appellant/Petitioner/Sole Accused
Vs.

1.State rep. by
The Deputy Superintendent of Police,
Thiruvidaimaruthur,
Thanjavur District.

2.The Inspector of Police,
Panthanallur Police Station,
Thanjavur District,
Crime No.116 of 2017 : 1st and Respondents/Respondents/
Complainant

3.Somu : 3rd Respondent/Respondent/Defacto
Complainant

Prayer: Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 against the order, dated 09.01.2019 made in Crl.M.P.No.25 of 2019 on the file of the Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur and enlarge the appellant on bail.

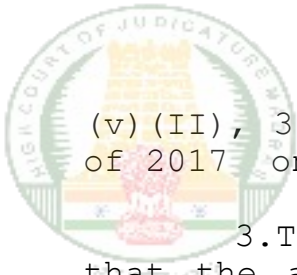
For Appellant : Mr.K.M.Karunakaran

For R1 and R2 : Mr.A.Rabinson
Government Advocate
(Criminal side)

JUDGMENT

This Criminal Appeal has been filed against the order, dated 09.01.2019 made in Crl.M.P.No.25 of 2019 on the file of the Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur and enlarge the appellant on bail.

<https://hcservices.ecourts.gov.in/hcservices>
2.The Appellant, who was arrested and remanded to judicial custody on 21.07.2018 for the offences punishable under Section 366 (A) IPC and Section 5(1) r/w Section 6 of POCSO Act, 2012 r/w 3(1)



(v) (II), 3(2) (V) of SC/ST (POA) Amendment Act, 2016 in Crime No.378 of 2017 on the file of the 2nd respondent police, seeks appeal bail.

3.The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case and he has nothing to do with the alleged occurrence and that the appellant is in jail for the past 234 days and there is no previous antecedent as against the appellant and he is only bread winner of the family.

4.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the earlier bail applications filed by the appellant were dismissed and the appellant enticed the victim girl and took her from the lawful custody of her parent, made penetrative sexual assault and if he is released on bail, he will temper the witnesses and prays for dismissal of the criminal appeal.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.Considering the facts and circumstances of the case and also considering the fact that the the petitioner is in jail for more than 234 days and he is only bread-winner of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 09.01.2019 passed in Cr.M.P.No.25 of 2019, by the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 09.01.2019 passed in Cr.M.P.No.25 of 2019 by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, is set aside. 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 each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur and on further condition that:

[a]the appellant shall report before the concerned court, daily twice at 10.30 a.m and 5.00 pm until further orders;

[b] the appellant shall not tamper with evidence or witness either during investigation or trial;

[c]the appellant shall not abscond either during investigation or trial; and

[d]On breach of any of the aforesaid conditions, the 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 Trial Court itself as laid



down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala**
[(2005)AIR SCW 5560] .

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Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To,

- 1.The Sessions Judge,
Mahalir Neethimandram
(Fast Track Mahila Court), Thanjavur.
 - 2.The Deputy Superintendent of Police,
Thiruvidaimaruthur,
Thanjavur District.
 - 3.The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.
 - 4.The Superintendent of Central Prison,
Tiruchirappalli.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.K.M.KARUNAKARAN, Advocate, SR.No.4718

Crl.A(MD)No.26 of 2019
12.03.2019

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