



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.04.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.90 of 2019

Vigneshwaran : Appellant/Petitioner/A1

Vs.

1.The Deputy Superintendent of Police,
Vedasanthur,
Dindigul District.

2.The State rep. by
The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

(Crime No.9 of 2018)

: R1 and R2/Complainants

3.Sumathra

: R3/De-facto complainant

Prayer: Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016 against the order, dated 05.03.2019 made in Crl.M.P.No.454 of 2019 on the file of the Principal District and Sessions Judge, Dindigul and enlarge the petitioner on bail in connection with criminal case in Crime No.9 of 2018 on the file of the Respondent Police.

For Appellant : Mr.J.Lawrance

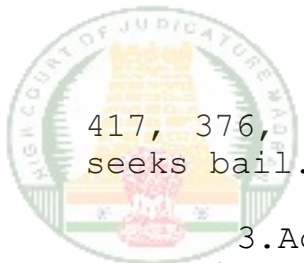
For R1 and R2 : Mr.A.Robinson
Government Advocate
(Criminal side)

For 3rd Respondent : Mr.K.Nandhagopal

JUDGMENT

This Criminal Appeal has been filed against the order, dated 05.03.2019 made in Crl.M.P.No.454 of 2019 on the file of the Principal District and Sessions Judge, Dindigul.

2.The Appellant/A1, who was arrested and remanded to judicial custody on 24.01.2019 for the offences punishable under Sections



417, 376, 506(i) IPC and Section 3(2)(v) of SC/ST (POA) Act, 1989, seeks bail.

3. According to the prosecution, the accused and the de-facto complainant had love affairs and on the false promise of marrying her, had sexual intercourse with her on many occasions and then, the accused's family arranged marriage to the appellant with another lady and after knowing the same, the de-facto complainant went to the house of the accused and asked about the same, for which, the accused and his family members abused her in filthy words by using caste name in a public view and threatened her with dire consequences.

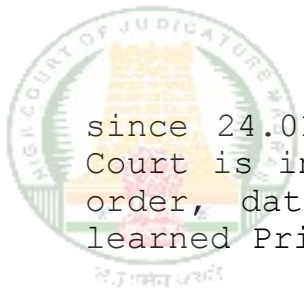
4. The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case and he has nothing to do with the alleged occurrence and that the de-facto complainant threatened the appellant demanding Rs.5 Lakhs and now the appellant is in jail for more than 41 days and there is no previous antecedent as against the appellant and he is only bread winner of the family. It is further submitted that the appellant/accused is ready to abide any condition that may be imposed by this court.

5. 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 de-facto complainant and took her from the lawful custody of her parent, made penetrative sexual assault and if he is released on bail, he will tamper the witnesses and prays for dismissal of the criminal appeal.

6. The learned counsel for the 3rd respondent/de-facto complainant submitted that 3rd respondent and the accused were working as teacher in the High School at Andipuram, Dindigul and the accused approached her and followed her and promised to marry and gave false promise of marriage and had sexual intercourse on several occasions and the accused used to collect money for paying his lorry EMI and also collected 5 sovereign of jewels for his urgent need and later, she came to understand that the accused's family arranged marriage with another lady and on 20.06.2018, she went to the house of the accused and asked about his marriage, but he and his family used unparliamentary words against her by using community name and thereafter, she lodged a complaint before the AWPS, Vadamadurai and prays for dismissal of the criminal appeal.

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

8. Considering the facts and circumstances of the case and also considering the fact that the the appellant/accused is in jail



since 24.01.2019 and he is only bread-winner of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 05.03.2019 passed in CrI.M.P.No.454 of 2019, by the learned Principal District and Sessions Judge, Dindigul.

9. Accordingly, the Criminal Appeal is allowed and the order, dated 05.03.2019 passed in Cr.M.P.No.454 of 2019 by the learned Principal Sessions Judge, is set aside. The appellant/accused 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 Principal District and Sessions Judge, Dindigul and on further condition that: -

(i) The appellant shall report before the concerned court, daily twice at 10.30 a.m and 5.00 pm until further orders;

(ii) The appellant is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakhs and Fifty thousand only) to the credit of Crime No.9 of 2018 on the file of the Principal District and Sessions Judge, Dindigul, within a period of two weeks from today;

(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; and

(v) 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]**.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Sessions Judge, Dindigul

2. The Deputy Superintendent of Police,
Vedasanthur,
Dindigul District.



3.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

4.The Superintendent,
District Prison,
Dindigul

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.LAWRENCE, Advocate, SR.No. 6695

Cr1.A(MD)No.90 of 2019
12.04.2019

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KK/SAR/12.04.2019/ 4P- 7C