

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.70 of 2020

V.Vinoth

.. Appellant/
Accused

Vs.

1. The State rep. by
Station House Officer,
All women Police Station,
Villupuram.
(Crime No.27 of 2019)

.. 1st respondent/
Complainant

2. B.Santhiya

.. 2nd Respondent /
Defacto Complainant

Prayer: Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 read with Section 374(3) of the Code of Criminal Procedure praying to set aside the order dated 28.01.2020 passed by the Learned Sessions Judge, Special Court for Exclusive trial of cases registered under the ST & ST (POA) Act, Villupuram in Crl.MP.No.21/2020 and enlarge the appellant on bail in Crime No.27 of 2019 pending on the file of the respondent police.

For Appellant : Mrs.C.Jayachithra
For R1 : Mr.K.Prabakar, APP

J U D G M E N T

According to the appellant/A1, based on the complaint given by the second respondent / defacto complainant in connection with the occurrence said to have been taken place on 19.11.2019, a case in Crime No.27 of 2019 was registered by the first respondent police against the appellant herein, for the alleged offences punishable under Sections 417, 376, 294(b), 323 IPC r/w Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of SC/ST (POA) Amendment Act 2015. As per the order of this Court dated 13.01.2020, the appellant surrendered on 22.01.2020 and was remanded to judicial custody on the same day. Thereafter, he

filed a petition in CrI.MP.No.21/2020 seeking bail. The said petition was dismissed by order dated 28.01.2020. Challenging the same, the appellant has filed the present appeal.

2.The learned counsel for the appellant submitted that the appellant has not committed any offence as alleged by the prosecution and he is innocent. She further submitted that the appellant is ready and willing to abide by any condition that may be imposed by this Court, in the event of releasing him on bail.

3.Heard the learned Additional Public Prosecutor appearing for the first respondent.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is inclined to grant bail to the appellant, subject to stringent conditions. Accordingly, this appeal stands allowed by setting aside the order impugned herein. The appellant is ordered to be enlarged on bail, subject to the following conditions:

- a) The appellant is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.27 of 2019 before the trial Court within a period of two weeks from today.
- b) On such deposit, the trial Court shall redeposit the same in a fixed deposit in any one of the nationalised banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of this criminal appeal.
- c) Thereafter, the appellant is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each along with two sureties of whom one should be a blood relative, for a like sum to the satisfaction of the Special Court for SC & ST (POA) Act Cases, Villupuram;
- d) The appellant and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- e) The appellant shall appear before the first respondent police daily at 10.30a.m. for a period of one month and thereafter, as and when required for interrogation.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge, Special Court for ST & ST (POA) Act cases,
Villupuram.

2. The Station House Officer,
All Women Police Station,
Villupuram.

3. The Public Prosecutor,
Madras High Court, Chennai-104.

+1cc to M/s.C.Jaya chitra , Advocate SR.No. 17531

Crl.A.No.70 of 2020

A.SK(28/02/2020)