

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**

Crl.A.No.286 of 2020

Loganathan,
S/o.Kamalanathan,
8, East Street, Vilakkapadi,
Dharmanallur (Post),
Virudhachalam (Taluk),
Cuddalore District.

Appellant/Accused

Vs.

1.State represented by
The Deputy Superintendent of Police,
Neyveli Thermal Police Station,
Neyveli.
(Crime No.175 of 2020)

2.The Inspector of Police,
Neyveli Thermal Police Station,
Neyveli.
(Crime No.175 of 2020)

Respondent/Complainant

3.Sowntharya,
D/o.Velusami,
Mariamman Koil Street,
Kaatukoodalur, Panruti Taluk,
Cuddalore District.

Respondent/*defacto*
Complainant

Criminal Appeal filed under Section 14A (ii) of the SC/ST (Prevention of Atrocities) Act to set aside the order dated 04.07.2020 passed in Crl.M.P.No.294 of 2020 on the file of the Sessions Court (Special Court for SC/ST Act cases), Cuddalore and to enlarge the appellant on bail in Crime.No.175 of 2020 on the file of the respondent.

For Appellant : Mr.S.Suresh

For RR 1 & 2 : Mr.K.Madhan
Govt. Advocate
(Crl. Side)

JUDGMENT

This case is taken up through video conferencing.

2. This appeal has been preferred seeking to set aside the order dated 04.07.2020 passed in Crl.M.P.No.294 of 2020 on the file of the Sessions Court (Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [for brevity “the SC/ST Act”]), Cuddalore and to enlarge the appellant on bail in Crime.No.175 of 2020 on the file of the respondent.

3. On 22.07.2020, this Court passed the following order:

“3. On the complaint lodged by the third respondent/*de facto* complainant, the second respondent/police registered a case in Crime No.175 of 2020 on 26.05.2020 for the offences under Sections 417, 376 and 313 IPC and Section 3(2)(v) of the SC/ST Act.

4. It is the case of the *de facto* complainant that the appellant seduced her on the promise of marrying her and thereafter reneged. Admittedly, the *de facto* complainant, who is nineteen years, had studied in the same college with the appellant.

5. It is the case of the appellant that he and the *de facto* complainant were in love with each other and that he is ready to marry her, but, it is the mother of the *de facto* complainant, who is not agreeing for the marriage. The appellant was arrested on 26.05.2020 and his bail application in Crl.M.P.No.294 of 2020 was dismissed by the trial Court on 04.07.2020, aggrieved by which, the appellant has preferred the present appeal before this Court.

6. Mr.S.Suresh, learned counsel for the appellant submitted that the appellant is willing to marry the *de facto* complainant because he was intensely in love with her and does not want to abandon her. He also submitted that the appellant would file an affidavit to that effect.

7. On perusal of the order passed by the trial Court, it is seen that, during hearing before the trial Court on 03.07.2020 via video conferencing, the *de facto* complainant had stated no objection for grant of bail to the appellant, but, her mother

appears to have intervened and raised objections. Hence, the bail application was dismissed.

8. This Court is of the view that interests of justice will be served if interim bail is granted to the appellant for a period of four weeks, since, due to COVID-19 lock down, no affidavit can be obtained from the appellant who is in judicial custody as interviews in prisons are suspended.

9. Taking into consideration the above facts, interim bail is granted to the appellant till 25.08.2020 with the following conditions:

- (i) the appellant shall be released on he executing an own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the Superintendent of Prison, Central Prison, Cuddalore;
- (ii) after his release from custody, the appellant shall surrender before the Sessions Court (Special Court for SC/ST Act cases), Cuddalore and execute a bond for a sum of Rs.10,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Court (Special Court under the SC/ST Act), Cuddalore;
- (iii) the appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Cuddalore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (iv) the appellant shall report before the respondent/police on Monday and Friday at 10.30 a.m. until further orders;
- (v) the appellant shall file an affidavit before the Sessions Court, Cuddalore, that he is ready and willing to marry the *de facto* complainant;
- (vi) 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]***; and

(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

10. Notice to the third respondent/*de facto* complainant returnable by 20.08.2020.

Post the matter 20.08.2020.”

4. On verification from the trial Court, it is seen that the petitioner had executed the sureties on 19.08.2020 and also filed the affidavit to the effect that he is ready and willing to marry the *de facto* complainant.

In view of the above, the interim bail granted by this Court *vide* order dated 22.07.2020 is made absolute and accordingly, this criminal appeal is allowed.

सत्यमेव जयते

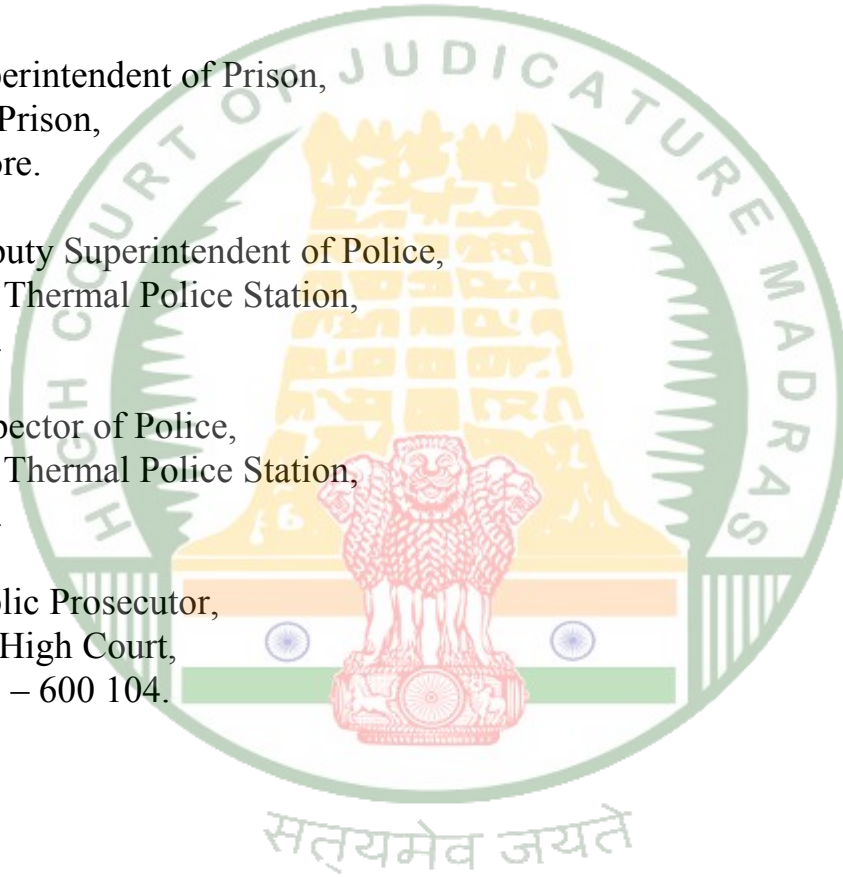
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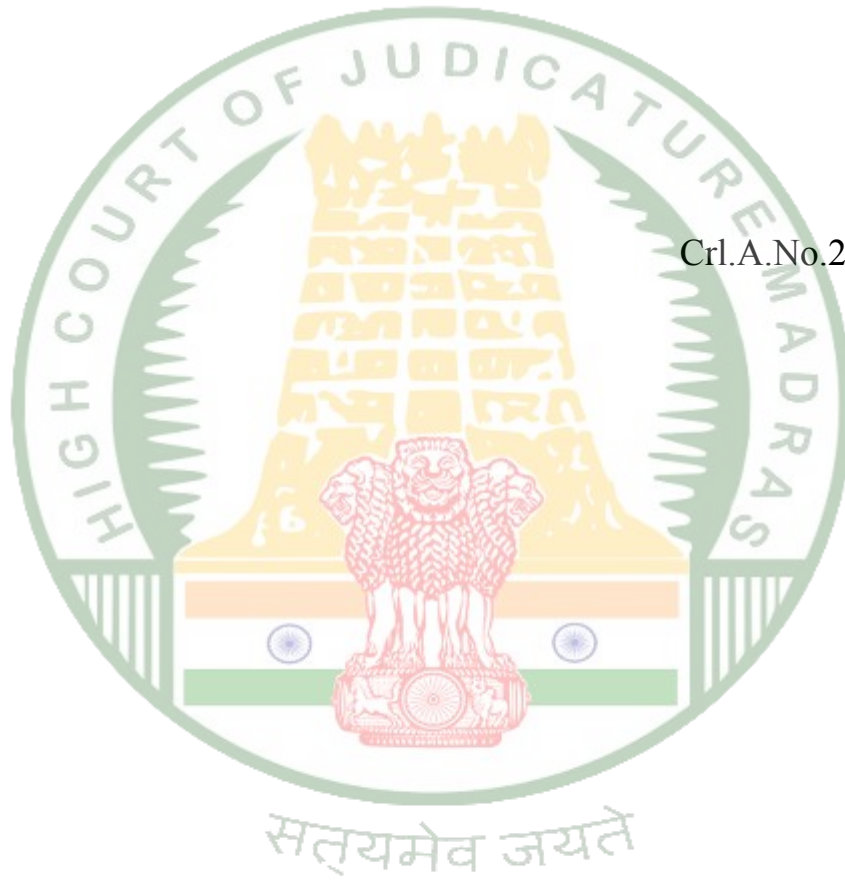
1. The Sessions Judge,
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Cuddalore.
2. The Superintendent of Prison,
Central Prison,
Cuddalore.
3. The Deputy Superintendent of Police,
Neyveli Thermal Police Station,
Neyveli.
4. The Inspector of Police,
Neyveli Thermal Police Station,
Neyveli.
5. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.

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