

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM

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

Crl.A.No.303 of 2020

Anbarasu

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Appellant/Accused

Vs.

1.State represented by
The Deputy Superintendent
of Police,
Cheyyar,
Thiruvannamalai District.

2.State represented by
The Inspector of Police,
Brammadesam Police Station,
Thiruvannamalai District.
(Crime No.914 of 2020)

..

Respondents/Complainants

3.Girija

..

Respondent/*defacto*
Complainant

Criminal Appeal filed under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity “the SC/ST Act”) to set aside the order dated 22.07.2020 passed in Crl.M.P.No.266 of 2020 on the file of the Sessions Court (Special Court for POCSO Act cases), Tiruvannamalai and to enlarge the appellant on bail in Crime.No.914 of 2020 on the file of the second respondent.

For Appellant : Mr.V.R.Appaswamee
For RR1 & 2 : Mr.K.Madhan
Govt. Advocate (Crl. Side)

For R3 : No appearance

JUDGMENT

This case is taken up through video conferencing.

2. This appeal has been preferred seeking to set aside the order dated 22.07.2020 passed in Crl.M.P.No.266 of 2020 on the file of the Sessions Court (Special Court for POCSO Act cases), Tiruvannamalai and to enlarge the appellant on bail in Crime.No.914 of 2020 on the file of the second respondent.

3. It is the case of the prosecution that the appellant, who is aged about twenty four years, had eloped with the victim girl "X" (name not divulged for the sake of anonymity), who is a Dalith and aged about seventeen.

4. On the complaint lodged by Girija, mother of "X", the police registered a case in Crime No.914 of 2020 for the offences under Section 366(A) IPC r/w Section 3(2)(va) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 (for brevity “the SC/ST Act”) and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for brevity “the POCSO Act”) and arrested the appellant on 27.06.2020 and secured “X”.

5. The bail application in Crl.M.P.No.266 of 2020 filed by the appellant has been dismissed by the trial Court on 22.07.2020, aggrieved by which, the appellant has filed the present appeal seeking bail.

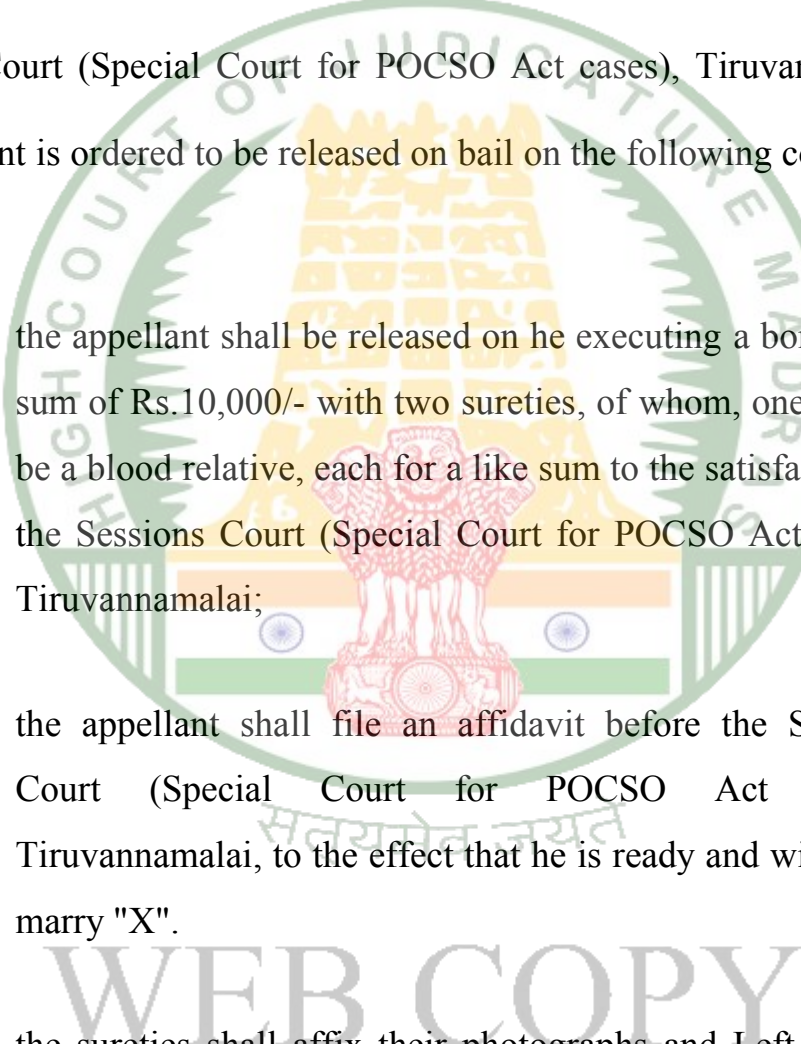
6. Heard Mr.V.R.Appaswamee, learned counsel for the appellant and Mr.K.Madhan, learned Government Advocate (Crl.Side) for the first and second respondents/State. Though private notice has been served on the third respondent/*de facto* complainant, she has not entered appearance.

7. The learned counsel for the appellant submitted that the appellant is in love with “X” and even now, he is ready and willing to marry her.

8. Taking into consideration the nature of allegations in the FIR and the fact that the appellant is in incarceration from 27.06.2020, this Court

is of the view that interests of justice will be served if bail is granted to the appellant.

9. Accordingly, the present appeal is allowed by setting aside the order dated 22.07.2020 passed in CrI.M.P.No.266 of 2020 on the file of the Sessions Court (Special Court for POCSO Act cases), Tiruvannamalai and the appellant is ordered to be released on bail on the following conditions:

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- (i) the appellant shall be released on he executing 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 for POCSO Act cases), Tiruvannamalai;
 - (ii) the appellant shall file an affidavit before the Sessions Court (Special Court for POCSO Act cases), Tiruvannamalai, to the effect that he is ready and willing to marry "X".
 - (iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge (Special Court for POCSO Act cases), Tiruvannamalai, 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) 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
- (vi) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

12.08.2020

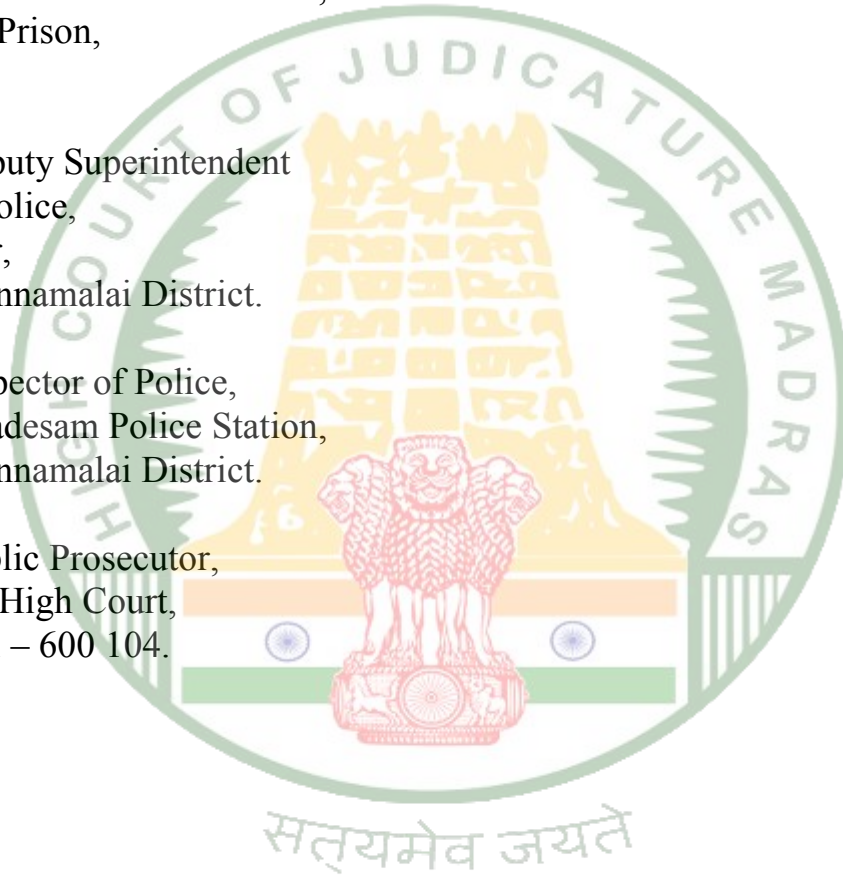
nsd

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To

1. The Sessions Judge,
(Special Court for POCSO Act cases),
Tiruvannamalai.
2. The Superintendent of Prison,
Central Prison,
Vellore.
3. The Deputy Superintendent
of Police,
Cheyyar,
Thiruvannamalai District.
4. The Inspector of Police,
Brammadesam Police Station,
Thiruvannamalai District.
5. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.

nsd



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