



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.02.2020**

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.A(MD)No.54 of 2020

Paapa

... Appellant/Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Thirupathur,
Sivagangai District.

2.The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
(Crime No.1 of 2020)
2/Complainants

...Respondents 1 &

3.Alagumeenal

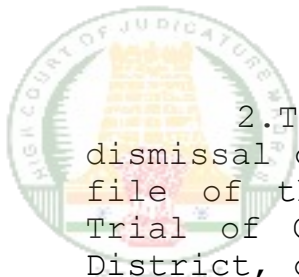
...3rd Respondent/De facto Complainant

Prayer : This Appeal is filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amended Act 1 of 2016, to set aside the order, dated 24.01.2020 made in Crl.M.P.No.35 of 2020 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, Sivagangai District, and enlarge the petitioner on bail and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Appellant	: Mr.B.Santhanam Rajesh Kumar
For R-1 & R-2	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.side)
For R3	: No Appearance

J U D G M E N T

Heard Mr.B.Santhanam Rajesh Kumar, learned Counsel appearing for the appellant and Mr.A.P.G.Ohm Chairma Prabhu, learned Government Advocate (Crl.side) appearing for the first and second respondents. No representation for the third respondent.



2.This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Crl.M.P.No.35 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, Sivagangai District, dated 24.01.2020.

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3.The Appellant, who is arrested and remanded to judicial custody on 10.01.2020, for the offences punishable under Sections 366(A), 294(b), 506(ii) of IPC and Section 5(1) & 6 of POCSO Act, 2012 and 3(2)(va) of SC/ST (Prevention of Atrocities Act) 2015, on the file of the respondent police, seeks appeal bail.

4.The learned counsel appearing for the appellant would submit that the appellant has been falsely implicated in this case and the same has not been considered properly and the appellant is in custody from 10.01.2020 onwards.

5.The learned Government Advocate (Crl.side) appearing for the respondent police, on instructions, would submit that the appellant herein is arrayed as Accused No 2. He would further submit that if the appellant/Accused No.2 is released on bail, she will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellant.

6.Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 24.01.2020 made in Crl.M.P.No.35 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, Sivagangai District.

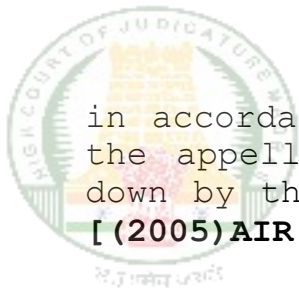
7.Accordingly, the Criminal Appeal is allowed and the order, dated 24.01.2020 made in Crl.M.P.No.35 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, Sivagangai District, is set aside. The appellant is ordered to be released on bail on her 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 Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, Sivagangai District, and on further condition that:

[a] the appellant shall appear before the concerned court, daily twice i.e. at 10:30 a.m., in the morning and 05:30 p.m., in the evening 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;

[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 appellants 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 (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

- 1.The Special Court for Exclusive Trial of Cases
under the POCSO Act, 2012, Sivagangai,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Thirupathur,
Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
- 4.The Officer in charge,
Central Jail (Women's)
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.SANTHANAM RAJESH KUMAR, Advocate (SR-6430[F] dated 14/02/2020)

CrI.A(MD)No.54 of 2020
14.02.2020

KK/SAR/14.02.2020/3P-7C/