



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:12.05.2020

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.A(MD)No.136 of 2020

Suresh

: Appellant/A1

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.

: R1 and R2/Complainants

3.Alagumeenal

: 3rd respondent/De-facto
Complainant

Prayer: Criminal Appeal filed under section 14-A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016 against the order of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, 2012, Sivagangai, dated 24.01.2020 made in Cr1.MP No.35 of 2020.

For Appellant : Mr.B.Santhanam Rajeshkumar

For R1 and R2 : Mr.V.Neelakandan
Additional Public Prosecutor

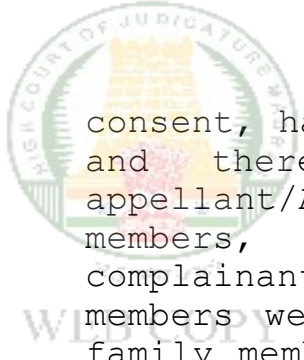
For 3rd Respondent : No appearance

O R D E R

(Thro' V.C)

This criminal appeal is directed against the order of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, 2012, Sivagangai, dated 24.01.2020 made in Cr1.MP No.35 of 2020.

2.The case of the prosecution is that the appellant/A1 and de-facto complainant are lovers and six months back, the appellant forcibly taken away the de-facto complainant and without her



consent, had sexual intercourse and due to it, she became pregnant and thereafter, the de-facto complainant approached the appellant/A1 to marry her, but due to inducement of his family members, the appellant/A1 refused to marry the de-facto complainant and subsequently, the appellant/A1 and his family members went to the de-facto complainant's house and abused her family members with filthy language and also threatened them with dire consequence.

3.The learned counsel appearing for the appellant/A1 submitted that the appellant/A1 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 appellant/A1 is in jail from 10.01.2020. The learned counsel for the appellant/A1 further submitted that the appellant/A1 is willing to marry the de-facto complainant and now, he is confined in Central Prison, Madurai.

4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the case is under investigation and if the appellant/A1 is released on bail, he will tamper the witnesses and prays for dismissal of the criminal appeal.

5.Considering the above facts and circumstances of the case and also considering the fact that the appellant/A1 is in jail since 10.01.2020 and he is willing to marry the victim girl, this Court is inclined to allow the Criminal Appeal by setting aside the order passed in CrI.MP No.35 of 2020, dated 24.01.2020 by the Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, 2012, Sivagangai.

6.Accordingly, this Criminal Appeal is **allowed** and the order passed in CrI.MP No.35 of 2020, dated 24.01.2020 by the Sessions Judge, Special Court for exclusive trial of cases under POCSO Act 2012, Sivagangai, is set aside. The appellant/A1 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 Sessions Judge and on further condition that the **appellant/A1 shall report before the 2nd respondent police daily at 10.30 am and 05.00 pm until further orders.**

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To,

1. Deputy Superintendent of Police,
Thirupathur,
Sivagangai District.
2. The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
3. The Special Judge,
Special Court for exclusive trial of
Cases under POCSO Act 2012,
Sivagangai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Sub Jail, Tirupathur,
Sivagangai District.
6. The Superintendent,
Central Prison, Madurai.

Crl.A(MD)No.136 of 2020
12.05.2020

AL(CO)
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