



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 10.11.2020
CORAM

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

Crl. A. (MD) No. 328 of 2020

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Kamatchi

.. Appellant

Vs.

1.State,
Rep. its The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
(Crime No. 174 /2020)

2. The Deputy Superintendent of Police,
Bodinayakkanur,
Theni District.

3. Minor Boomika
(rep. by her Guardian / father Maheswaran

.. Respondents

Prayer : This criminal appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2016, against the order, dated 28.09.2020 passed by the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni in Cr.M.P.No.418 of 2020 and set aside the same and consequently, to release the appellant / petitioner on bail in connection with the case in Crime No. 174 of 2020.

For Appellant
For R1 and R2

: Mr.S. Ramasamy
: Mr.S. Chandrasekar
Additional Public Prosecutor
: Mr. Sivanarayanapandian

For R3

JUDGMENT

This appeal has been filed to set aside the order passed in Crl.M.P.No.418 of 2020, dated 28.09.2020, on the file of the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni and to enlarge the appellant on bail.

2. The case against the appellant is that he followed the victim girl, who is studying 10th Std., and she belonged to Schedule Caste and tortured her and showed sexual signal and hence, the defacto complainant lodged a complaint against the accused. The case in Crime No.174 of 2020 was registered against the appellant under Section 12 of POCSO Act 2012 r/w. Section 3(1)(w)(ii), 3(2)(va) SC/ST (POA) Amended Act, 2015 and 506(i) IPC. The appellant was arrested and is in custody from 27.02.2020. He has filed a bail



petition in Crl.M.P.No.418 of 2020, before the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni and the same was dismissed on 28.09.2020. Against which, the appellant has preferred this appeal.

3. On the side of the appellant, it is stated that there was a money dispute between the appellant and the mother the of defacto complainant and hence, a false case has been foisted against him. It is also stated that the appellant was detained under Goondas Act on 11.03.2020, by the District Collector, Theni and thereafter, the said detention order was quashed by this Court, on 22.09.2020 in HCP.No. 370 of 2020. It is further stated that the case was charge sheeted before the concerned Court.

4. On the side of the prosecution, it is stated that three more criminal cases are pending against the appellant and which one case is for offence punishable under Section 302 IPC. It is also stated that if the appellant is enlarged on bail, there is a chance for him to tamper the witness and prayed to dismiss the petition.

5. It is seen that the appellant is in custody from 27.02.2020, i.e., for a period of more than eight months. Admittedly, the case is also charge sheeted. Hence, the appellant is entitled for a statutory bail.

6. In such circumstances, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant shall reside in Madurai and appear before the Inspector of Police, Thallakulam All Women Police Station, Madurai, daily at 10:30 a.m, for a period of one week.
- (iv) the appellant shall not tamper with evidence or witness either during investigation



or trial.

(v) the appellant shall cooperate with the investigation and the appellant shall appear before the respondent and Court both during investigation and trial, as and when required.

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(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court 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 Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (Crl Side)

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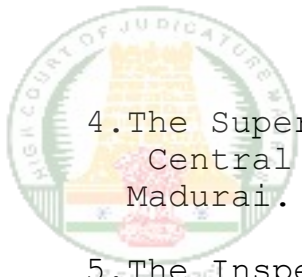
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Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Sessions Judge, Mahalir Neethimandram,
Fast Track Mahila Court, Theni.
2. The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
(Crime No. 174 /2020)
3. The Deputy Superintendent of Police,
Bodinayakkanur,
Theni District.



4.The Superintendent,
Central Prison,
Madurai.

5.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. A. (MD) No.328 of 2020
10.11.2020

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