



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 04.03.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.77 of 2021

WEB COPY

Yogesh

.. Appellant /Sole Accused

Vs.

1.State represented by,
The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

2.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Crime No.8 of 2020.

3.Karthiga .. Respondents /Complainant

Prayer : This Criminal Appeal is filed under Section 14A (2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, to set aside the order in Cr.M.P.No.78 of 2021 before the Mahalir Neethimandram, FTMC, Theni and enlarge the appellant/accused on bail.

For Appellant	: Mr.Gopala Krishna Lakshmana Raj Senior Counsel For Mr.S.G.L.Rishwath
For Respondents 1 and 2	: Mr.K.R.Bharathi Kannan Government Advocate (Crl. Side)

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.78 of 2021 dated 27.01.2021, on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Theni and to grant bail to the appellant.

2.The case against the appellant is that he misbehaved with a minor girl, who belongs to scheduled community and make her pregnant. A case in Crime No.8 of 2020 was registered against the appellant under Section 6 of POCSO Act and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled caste and the Scheduled Tribes (Prevention of Atrocities) Act by the second respondent Police. The appellant was arrested on 05.12.2020 and he filed a bail petition in Crl.M.P.No.78 of 2021 before the Sessions Court. The Sessions Court dismissed the petition. Against which, the appellant has preferred



this appeal.

3. On the side of the appellant, it is stated that the accused and the victim girl were friends from childhood. There was love affairs between them. Even in the complaint, it is stated that the victim and complaint were in love for the past two years. The maximum allegation against the appellant is that he threatened the victim that he will not talk with her. The victim is in custody for the past 89 days and prayed the appellant to be released on bail.

4. On the side of the respondents 1 and 2, it is stated that by giving false promise to marry the victim, the appellant had sexual intercourse with the victim. The victim is now eight months pregnant. The victim is aged about 16 years and prayed the petition to be dismissed.

5. Though the name of the third respondent was printed in the cause list, none appears on behalf of the third respondent.

6. It is seen that the chargesheet was not yet filed. The appellant is in custody for the past 89 days. Considering the period of incarceration, this Criminal Appeal is allowed and the appellant is ordered to be released on bail on 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 learned Fast Track Mahila Judge, Theni.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Fast Track Mahila Judge, Theni, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant shall appear before the second respondent daily at 10:30 a.m, until further orders.
- (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 second respondent and Court both during investigation and trial, as and when required.
- (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]**.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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 Mahila Neethimandaram,
The Fast Track Judge, Theni.
- 2.The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.
- 3.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
- 4.The District Jail,
Theni.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.S.G.L.RISHWANTH, ADVOCATE , SR NO 1816

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