



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.360 of 2021

M.Ranthinan

... Appellant/Accused

Vs.

1.The State Rep. by
The Deputy Superintendent of Police,
Aundipatti,
Theni District.

2.The Inspector of Police,
Aundipatti Police Station,
Theni District.

...1st & 2nd Respondents/Complainants

3.Tamilselvi

...3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14 (A) (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set-aside the order passed by the Sessions Judge, Fast Track Mahila Court, Theni in Crl.M.P.No.576 of 2021 passed on 30.07.2021 and to enlarge the petitioner on bail in Cr.No.523 of 2021, pending investigation on the file of the 1st respondent.

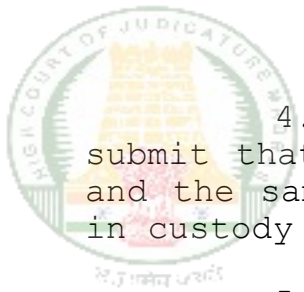
For Appellant	: Mr.G.Rajan
For R-1 & R-2	: Mr.RMS.Sethuraman
	Additional Public Prosecutor
For R3	: No Appearance

J U D G M E N T

Heard Mr.G.Rajan, learned counsel appearing for the appellant and Mr.RMS.Sethuraman, learned Additional Public Prosecutor 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.576 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Theni, dated 30.07.2021.

3.The Appellant, who arrested and remanded to judicial custody on 03.07.2021, for the offences punishable under Sections 366 IPC r/w 3(1)(w)(i), 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6 of POCSO Act 2012, 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 03.07.2021 onwards.

5.Mr.RMS.Sethuraman, learned Additional Public Prosecutor, on instructions, would submit that the appellant herein is arrayed as sole accused. He would further submit that if the appellant/sole accused is released on bail, he 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 30.07.2021 made in Crl.M.P.No.576 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Theni.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 30.07.2021 made in Crl.M.P.No.576 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Theni, is set aside. The appellant 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 the Fast Track Mahila Court, Theni, Theni District, and on further condition that:

[a] the appellant shall appear before the concerned court daily at 10.30 a.m. 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]**.

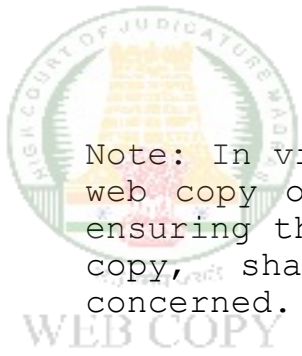
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Fast Track Mahila Court,
Theni.
- 2.The Officer Incharge,
District Jail,
Thekkampatti,
Theni District.
- 3.The Deputy Superintendent of Police,
Aundipatti,
Theni District.
- 4.The Inspector of Police,
Aundipatti Police Station,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.RAJAN, Advocate (SR-29493[F]
dated 17/09/2021)

CrI.A(MD)No.360 of 2021
17.09.2021

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