



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.11.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.467 of 2021

Ramesh S/o.Rethinam .. Appellant/Sole Accused
Vs.

1.The Deputy Superintendent of Police,
Keelakarai, Ramanathapuram.

2.The Inspector of Police,
All Women Police Station,
Keelakarai, Ramnad District.
(Crime No.169 of 2020)

3.Krishnaveni .. Respondents/Complainants/Defacto
Complainants

Prayer : This Criminal Appeal is filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act 2015, to call for the records pertaining to the order passed by the learned Sessions Court (Fast Track Mahila Court) Ramanathapuram in Crl.M.P.No.831 of 2021 dated 13.09.2021 and to set aside the same and enlarge the appellant on bail in connection with in Crime No.7 of 2021 on the file of the second respondent Police.

For Appellant : Mr.K.P.Narayanakumar
For Respondents 1 and 2 : Mr.K.Sanjay Gandhi
Government Advocate

JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.831 of 2021, dated 13.09.2021, on the file of the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram.

2.The case against the appellant is that the appellant has committed penetrative sexual assault on the victim girl aged about 13 years. A case in Crime No.7 of 2021 under Section 450 of IPC and Sections 3, 4(2) of POCSO Act and Section 3(2)(v) of SC/ST Act was registered against the appellant. The appellant has filed the bail application in Crl.M.P.No.831 of 2021 before the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram. That petition was dismissed by the trial Court on 13.09.2021. Against the same, the appellant has preferred this Criminal Appeal.



3.On the side of the appellant, it is stated that the appellant is in custody for the past 90 days. The chargesheet was not yet filed. The appellant was arrested on 22.08.2021 and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that the offence is serious in nature. The victim girl is aged about 13 years. The victim girl belong to SC/ST community. The offence is against the society. The respondent police is taking steps to invoke Goondas Act against the appellant and prayed the appeal to be dismissed.

5.On the side of the respondents 1 and 2, it is fairly admitted that the chargesheet was not yet filed.

6.It is seen that though the offence is serious in nature, the prosecution has failed to file the chargesheet in time. The appellant is entitled for statutory bail under Section 167(2) of Cr.P.C. Hence, 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 learned Sessions Judge, (Fast Track Mahila Court), Ramanathapuram.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, (Fast Track Mahila Court), Ramanathapuram may obtain a copy of their valid identity card to ensure their identity.
- (iii) On release, the appellant shall not to enter Ramanathapuram District and shall reside in Karur and to sign before the Karur Town Police Station daily twice at 10:30 a.m., and 5.30 p.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.
- (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]**.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

To

- 1.The Sessions Judge, Fast Track Mahila Court
Ramanathapuram.
- 2.The Judicial Magistrate No.I,
Ramanathapuram.
- 3.Do Through The Chief Judicial Magistrate,
Ramanathapuram.
- 4.The Superintendent of Police,
Ramanathapuram.
- 5.The Deputy Superintendent of Police,
Keelakarai, Ramanathapuram.
- 6.The Superintendent of Prison,
Sub Jail, Ramanathapuram.
- 7.The Inspector of Police,
All Women Police Station,
Keelakarai, Ramnad District.
- 8.The Inspector of Police,
Karur Town Police Station,
Karur.
- 9.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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22.11.2021

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