

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.06.2022
CORAM :
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
Crl.A.No.524 of 2022

R.Srinivasan

... Appellant/Accused

Versus

1. Investigated by,
The Deputy Superintendent of Police,
District Crime Branch -I,
Villupuram District.
2. The State of Tamil Nadu,
Represented by,
The Station House Officer,
Thirukoilur Police Station,
Villupuram District.
3. Lakshmi ...3rd Respondent/Defacto Complainant

Prayer : Criminal Appeal filed u/s. 374 of Cr.P.C to set-aside the order dated 16.05.2022 made in Crl.M.P.No.241 of 2022 passed by the Sessions Judge, Special Court for exclusive Trial of cases registered under the Scheduled Castes and Scheduled Tribes (POA) Act, 1989, Villupuram.

For Appellant : Mr.S.Karthikeyan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side) for R1,R2
:Mr.S.Sathya Chandran for R3

JUDGMENT

This appeal is filed as against the order dated 16.05.2022, in and by which, the petition filed for grant of bail is dismissed by the learned Sessions Judge, Special Court for exclusive Trial of cases registered under the Scheduled Castes and Scheduled Tribes (POA) Act, 1989, Villupuram.

2. Today, when the matter came up for hearing, the learned Counsel appearing on behalf of the appellant would state that, even on a perusal of the charge sheet, which is said to have been filed on behalf of the prosecution, it is clear that the allegations as against the petitioner/Accused-1 is unlawful, he

is suspected to have unlawfully taken custody of the family members of the accused and it is only A2 to A5, who had committed rape. In that view of the matter, the learned counsel for the appellant would submit that, absolutely no case is made out as against the petitioner either under SC/ST Act or other offences as alleged.

3. However on consideration of the matter, this Court finds that, when warrant is issued against the petitioner, he should surrender before the trial Court and recall the same in the manner known to law and further it is open for the petitioner to apply for anticipatory bail, if he pleads that no offence is made out as against him.

4. In that view of the matter, when this Court posed a question to the learned Counsel that, how in the first instance the Criminal Miscellaneous Petition, and thereafter, this appeal, is maintainable, in reply, the learned Counsel would submit that he would withdraw this appeal and seeks liberty to file anticipatory bail petition.

5. Accordingly, this Criminal Appeal is dismissed as withdrawn with liberty to the petitioner to take any other remedy open for him under law, if he chooses.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sma

To

1.The Sessions Judge,

Special Court for exclusive Trial of cases
registered under the Scheduled Castes and
Scheduled Tribes (POA) Act, 1989, Villupuram.

2.The Deputy Superintendent of Police,

District Crime Branch I,Villupuram District.

3.The Station House Officer,

Thirukoilur Police Station,Villupuram District.

4.The Public Prosecutor,Madras High Court.

+1 cc to Mr.S.Sathya Chandran, Advocate Sr.NO. 38543

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GPL(CO)

A.SK(12/07/2022)