



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2022

CORAM:

THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**
Crl. A(MD) No. 309 of 2022

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S.Sukumar : Appellant/Petitioner

Vs.

1.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli City.

2.State represented by,
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District
(Crime No.232 of 2022)

: 1 and 2 Respondents /Complainants

3.A.Murugalakshmi : 3rd Respondent/Defacto complainant

PRAYER: The Criminal Appeal is filed under Section 374(2) Cr.P.C and Section 14-A(2) of SC/ST Act, 1989 as amended by Act 1 of 2016 to call for the records and set aside the bail dismissal order of the II Additional District and Sessions Judge, Tirunelveli in Cr.M.P.No.282 of 2022 dated 22.04.2022 in Crime No.232 of 2022 on the file of the second respondent.

For Appellant : Mr.V.M.Jegadeeshapandian

For R1 & R2 : Mrs.M.Aasha

Government Advocate (Crl.side)

J U D G M E N T

The present Criminal Appeal has been filed to set aside the impugned order, dated 22.04.2022 made in Cr.M.P.No.282 of 2022 on the file of the II Additional District and Sessions Judge, (FAC) Tirunelveli (IV Additional Sessions Judge, Tirunelveli).

2. The case of the prosecution is that the defacto complainant/R3 who belongs to a downtrodden community, was pursuing her paramedical course in a College. When she attended the clinic of the appellant/accused, he misbehaved with her and threatened her. Therefore, the second respondent registered a case against the accused in Crime No.232 of 2022 for the offences under Sections 354A(1) (1) and 506(1) of IPC r/w Sections 3(1) (w) (1) and 3(2) (va) of SC/ST (POA) Amendment Act, 2015.



3. It is submitted that the appellant was arrested and remanded to judicial custody on 06.04.2022.

4. The appellant filed a petition for bail and the same was dismissed by the Sessions Court and therefore, prayed for enlarging the appellant on bail.

5. Heard the learned counsel appearing for the appellant and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

7. It is seen that the appellant has been in judicial custody from 06.04.2022 and investigation is almost completed.

8. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 22.04.2022 made in Cr.M.P.No.282 of 2022 on the file of the learned II Additional District and Sessions Judge, Tirunelveli on condition that the appellant shall file an affidavit that he should not have any communication with the victim girl in future.

9. Accordingly, the Criminal Appeal is allowed and the order, dated 22.04.2022 made in Cr.M.P.No. 282 of 2022 on the file of the II Additional District and Sessions Judge, Tirunelveli, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Tirunelveli, and on further conditions that:

[a] the appellant shall appear before the respondent police on every Monday and Saturday 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 appellant 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].

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Sd/-

Vacation Officer/
Assistant Registrar (RTI)

// True Copy //

20/05/2022

Sub Assistant Registrar(CS)

CM

To,

- 1.The II Additional District and Sessions Judge,
Tirunelveli
- 2.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli City.
- 3.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
- 4.The Superintendent,
Central Prison,
Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.V.M.JEGADEESHA PANDIAN,Advocate, SR.No.4910
DATED:20.05.2022

Crl. A(MD)No.309 of 2022
19.05.2022

SS (CO)

GC (20.05.2022) 3P 7C