



Crl. A.(MD)No.477 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.08.2022

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.477 of 2022

Dharmaraj

... Appellant/Petitioner/Sole accused

Vs.

1.The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai.

2.The State Represented by
The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukkottai District.
(Crime No.7 of 2022)

... Respondents 1 & 2/Complainant

3.Kaleeswari

...3rd Respondent/Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the records pertaining to the order passed in Cr.M.P.No.783 of 2022 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai dated 08.07.2022 and set aside the same by allowing the criminal appeal.



Crl. A.(MD)No.477 of 2022

WEB COPY

For Appellant : Mr.R.Sevugaraja

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor for R1 and R2

Mr.R.Alagumani for R3

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai, in Cr.M.P.No.783 of 2022, dated 08.06.2022.

2. The case of the prosecution is that on 14.06.2022, the appellant had sexually assaulted the victim and threatened her that if she told the same to anyone, he would kill her family. Hence, the second respondent registered a case against the appellant in Crime No.7 of 2022 for the offences under Sections 376(1), 511, 323 and 506(1) IPC and Section 3(1)(w)(i) of SC/ST (Prevention of Atrocities) Act, 1989, altered into Sections 376(1), 511, 323 and 506(1) IPC r/w Sections 3(l)(r) and 3(l)(w)(i) of SC/ST (POA) Amendment Act.

3. The learned counsel for the appellant would submit that the appellant has been falsely implicated in this case and that the appellant is innocent and he has



Crl. A.(MD)No.477 of 2022

not committed any offence as alleged by the prosecution. He would further submit that that the appellant is in custody from 19.06.2022 onwards.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the defacto complainant herself has given a statement stating that she was not willing to undergo medical examination and hence, medical examination was not conducted.

5. The learned counsel for the defacto complainant/third respondent has raised objections to grant bail to the appellant.

6. After this incident, two FIRs came to be registered in Crime Nos.89 and 90 of 2022 and both the cases are case and case in counter. Moreover, this Court has granted bail to the accused in Crime No.89 of 2022 in Crl.A.(MD)Nos.425, 426 and 442 of 2022 vide order dated 25.07.2022.

7. Considering the above facts and circumstances of the case and also the nature of charges levelled against the appellant and also the facts that the accused in Crime No.89 of 2022 were already arrested and released on bail, that the appellant is not having any previous cases and that the appellant is in judicial custody from 19.06.2022, this Court is inclined to allow the Criminal Appeal by setting aside the



Crl. A.(MD)No.477 of 2022

order, dated 08.06.2022 made in Cr.M.P.No.783 of 2022 on the file of the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai.

8. Accordingly, the Criminal Appeal is allowed and the order dated 08.06.2022 made in Cr.M.P.No.783 of 2022 on the file of the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai, 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 Special Court for Trial of SC/ST Act Cases, Pudukkottai, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant shall stay at Cuddalore and report before the Inspector of Police, Cuddalore OT Police Station at 10:30 a.m., for a period of 30 days and thereafter appear before the respondent police at 10.30 a.m., until further orders.

[c]the appellant shall not tamper with evidence or witness either during investigation or trial.

[d]the appellant shall co-operate with the investigation.



Crl. A.(MD)No.477 of 2022

WEB COPY

[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

16.08.2022

Index : Yes/No
Internet : Yes/No
csm

To

- 1.The Superintendent,
District Prison,
Pudukkottai.
- 2.The Special Sessions Judge (FAC),
Special Court for Trial of SC/ST Act Cases, Pudukkottai.
- 3.The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai.
- 4.The Inspector of Police,
All Women Police Station,
Alangudi, Pudukkottai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl. A.(MD)No.477 of 2022

K.MURALI SHANKAR, J.

csm

Crl. A.(MD)No.477 of 2022

16.08.2022