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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02/12/2022

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.A(MD)No.742 of 2022

Mohamed Kalifa : Appellant/Petitioner

Vs.

1.State represented by
The Deputy Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Manamelkudi Police Station,
Thanjavur District.
(In Crime No.144/2022)

3.Praveena : Respondents/Complainant

Prayer:- This Criminal Appeal has been filed under section 14A(2) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, to call for the records pertaining to the order passed by the Sessions Judge, Mahila Court, Pudukottai, Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act cases, Pudukottai and to set aside the same and enlarge the appellant on bail in Crime No.144 of 2022 on the file of the 2nd respondent.

For Appellant : Mr.K.Navaneetharaja

For R1 and R2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

For 3rd respondent : Appeared in person



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ORDER

This Appeal has been filed seeking to set aside the order passed by the Sessions Judge, Mahila Court, Pudukottai, Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act Cases, Pudukottai.

2.The petitioner is facing the charges under sections 342, 354A, 376, 511 IPC and 3(1)(w)(i), 3(1)(w)(ii) of SC/ST (POA) Act, 1989.

3.The case of the prosecution is that the de-facto complainant was working as Lab Technician in Best Health Clinic and Laboratory, Manamelkudi. On 12/06/2022, when she was on duty, she received a call from his client for taking blood sample for his mother. So the de-facto complainant went to MSR Complex, Thandalai Road, where she found the appellant. The appellant called the de-facto complainant inside the house and when she went inside the house, he locked the door, closed her mouth and tried to misbehave and sexually assaulted the de-facto complainant. When she was crying, neighbours gathered and by broke open the door, she was rescued by



neighbours. On the basis of the complaint, the case was registered and now he is in custody.

4.The bail application that was moved by the appellant before the trial court was dismissed stating that the investigation has not been completed and if the appellant is released on bail, he may temper the prosecution witness.

5.At the time of hearing, the de-facto complainant was also present before this court in person. The learned counsel appearing for the appellant submitted that there was love affairs between the de-facto complainant and this petitioner. But it is not supported by any evidence. It is not even stated in the grounds, that it is a love affairs. No doubt it is a very serious misbehavior on the part of the appellant.

6.But however, considering the fact that the appellant is in custody for 169 days and final report has been filed before the concerned court and because of some defects, the above said final report has not been taken on file, there is no bad antecedent reported against the



appellant, this court is inclined to allow the criminal appeal by setting aside the order, dated 25/07/2022, passed in Cr.M.P No.950 of 2022 on the file of the Sessions Judge, Mahila Court, Pudukkottai, Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai.

7. Accordingly, 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 learned Sessions Judge, Mahila Court, Pudukkottai, Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai and on further condition that the appellant shall report before the respondent police daily at 10.30 am until further orders and on further condition that he has to file an undertaking affidavit stating that he will not cause trouble to the de-facto complainant.

02/12/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Central Prison,
Trichy.
- 2.The Sessions Judge,
Mahila Court, Pudukottai,
Special Sessions Judge (FAC),
Special Court for Trial of SC/ST
Act cases, Pudukottai.
- 3.The Deputy Superintendent of Police,
Thanjavur District.
- 4.The Inspector of Police,
Manamelkudi Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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