



Crl.A.(MD).No.910 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.10.2023

Pronounced on : .10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Dr.Raguveer

... Appellant / Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Sattur Division,
Virudhunagar District.

2.The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.

3.Nagalakshmi

... Respondents

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities) Act, to call for the records and set aside the order dated 25.09.2023 in Crl.M.P.No.3193 of 2023 on the file of the learned Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputtur, Virudhunagar District in Crime No.320 of 2023 pending on the file of the second respondent and enlarge the appellant on bail.



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For Appellant : Mr.Mohan Kumar
for Mr.C.M.Arumugam
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Mr.S.M.A.Jinnah

JUDGMENT

This Appeal is filed to call for the records and set aside the order dated 25.09.2023 in CrI.M.P.No.3193 of 2023 on the file of the learned Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputtur, Virudhunagar District in Crime No.320 of 2023 pending on the file of the second respondent and enlarge the appellant on bail.

2. According to the prosecution the appellant and other accused said to have committed the offence punishable under Sections 354, 323, 506(1) and 109 of Indian Penal Code and 3(1)(w)(1) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities Amendment Act, 2015.



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3.The case of the prosecution is that on 06.09.2023, at about 09.00 a.m., the appellant, who is the practicing as Specialist doctor has pulled the collar of the defacto complainant and started to harass her physically. Hence, the *de-facto* complainant lodged a complaint before the respondent police and F.I.R was registered in Crime No.320 of 2023 for the offences under Sections 354, 323, 506(1) and 109 of Indian Penal Code and 3(1)(w) (1) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities Amendment Act, 2015.

4. The learned counsel for the appellant would submit that the case of the prosecution is entirely false and the case is a foisted one against the appellant and he has not committed any offence as alleged by the prosecution. He would further submit that the appellant was arrested and remanded to judicial custody on 07.09.2023 and he is in judicial custody for more than 42 days. He further submitted that the defacto complainant has not sustained any injury and she was not admitted in the hospital. He would further submit that the appellant is willing to produce sufficient sureties for the appearance and the appellant will never abscond and will not tamper the witnesses and hence he seeks to grant bail to the appellant.



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5. The learned Additional Public Prosecutor appearing for the first and second respondents would submit that the appellant and the defacto complainant are working in the very same hospital and also submitted that the appellant has pulled the collar of the defacto complainant and started to harass her physically. He further submitted that no previous case is pending against the appellant and also submitted that in this case investigation has been completed and final report will be filed before the concerned Court within short time, and if this Court is inclined to allow this appeal some stringent conditions may be imposed.

6. The learned counsel for the third respondent/*de-facto* complainant would submit if the appellant is released on bail, he will threaten the witnesses and also tamper the evidence. Hence, he seeks to dismiss the appeal.

7. It is seen that the appellant was arrested and remanded to judicial custody on 07.09.2023 and he is in judicial custody for more than 42 days and the investigation has been completed and the final report will



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be filed before the concerned Court within a short time.

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8. Considering the above facts and circumstances of the case and also considering the period of incarceration and also the fact that the investigation is over, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 25.09.2023 passed in Cr.M.P.Nos.3193 of 2023 on the file of the learned Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputtur, Virudhunagar District.

9. Accordingly, this Criminal Appeal is allowed and the order dated 25.09.2023 passed in Cr.M.P.No.3193 of 2023 on the file of the learned Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputtur, Virudhunagar District, 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 Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputhur, and on further conditions that:



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(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputtur, Virudhunagar District, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall stay at Salem and report before the Annadhanapatti Police Station, daily at 10.30 am and 5.30 pm, until further orders, except on hearing dates.

(c) the appellant shall not tamper with evidence or witnesses.

(d) On breach of any of the aforesaid conditions, the learned Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed by the Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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NCC :Yes/No
Index :Yes/No
Internet :Yes/No
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To

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Srivilliputtur, Virudhunagar District.
- 2.The Deputy Superintendent of Police,
Sattur Division,
Virudhunagar District.
- 3.The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
- 4.The Superintendant,
Virudhunagar District Jail,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

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Pre - Delivery Order made in
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