



Crl.A.(MD).No.947 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 01.11.2023

Pronounced on : 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Muthuram @ Muthuraman

... Appellant / Accused

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.

2.The Inspector of Police,
Eral Police Station,
Thoothukudi.
(Crime No.183 of 2023)

3.Seetha Devi

... Respondents

PRAYER : Criminal Appeal filed under Section 14 A (2) of SC/ST (Prevention of Atrocities) Act, to call for the records pertaining to the impugned order passed in Crl.M.P.No.985 of 2023, dated 03.10.2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi and enlarge the appellant on bail by set aside and allowing this Criminal Appeal.

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For Appellant : Mr.S.M.Mohan Gandhi
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Ms. Seetha Devi (Party in Person)

JUDGMENT

The appellant has filed this Criminal Appeal to set aside the impugned order dated 03.10.2023 passed in Crl.M.P.No.985 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi and to enlarge the appellant on bail by allowing this appeal.

2.The brief facts of the prosecution case:

The appellant and the victim girl are lovers and the appellant had sexual relationship with the victim girl on several occasions at Coimbatore and Chennai under false promise to marry her. The victim girl belongs to Scheduled Caste. The father of the appellant refused to accept the victim girl and abused her using caste name. The appellant took the victim girl to Chennai and left there. So the victim girl has lodged a complaint and the respondent police registered FIR in Cr.No.183 of 2023 under Sections 147,



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148, 294(b), 506(ii), 406, 417, 420 of IPC r/w section 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(i)(w)(ii) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 against the appellant and two others. The appellant moved bail in Crl.M.P.No.985 of 2023 before the Trial Court and the same was dismissed on 03.10.2023.

3. Aggrieved by the dismissal of bail petition, the appellant has preferred the present Criminal Appeal before this Court.

4. Heard both sides and perused the records in this Criminal Appeal.

5. The learned counsel for the appellant has submitted that the appellant and the defacto complainant are major. They had sexual relationship with mutual consent. Even as per the defacto complaint, the appellant had sexual relationship on several occasion. Later, the appellant came to know that the defacto complaint is in habit of having such relationship with several persons and extorted money from them by giving false complaint. To substantiate the appellant filed photo showing the



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defacto complaint with another person. The appellant's father never made any phone call to the defacto complainant and abused her using caste name. The appellant is falsely implicated in this case and he is in custody from 03.10.2023. Major part of investigation might have been completed.

6. Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that the appellant has involved in the alleged crimes as narrated in the FIR and the medical examination is pending and the investigation is at early stage and if the appellant released on bail he would tamper the evidence. Hence, he strongly opposed to grant bail to the appellant.

7.The third respondent/victim appeared in person before this Court and raised objection to allow this appeal.

8. On hearing both side rival arguments and on perusal of records, it is clear that the appellant and the defacto complainant fell in love affairs and both are major persons. On perusal of FIR contents, there is overtact of



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abusing the defacto complainant using caste name only against the father of the appellant, that too over phone. There is no such allegation against the appellant by the defacto complainant. The only allegation that under false promise to marry her, the appellant had sexual relationship with the defacto complainant on several occasions. The appellant claims that the defacto complainant is having contacts with several persons and she is in habit extracting money by giving false complaint. However, these are to be decided only after trial. The appellant is in custody for a month. By this time, considering the alleged offences, major part of investigation might have been completed. The respondent has not stated against the appellant who is having such nature offences previously. Considering the custody period of the appellant and also other facts and circumstances, this Court holds that the appellant is entitled for bail and the impugned order passed by the Trial Court in Crl.M.P.No.985 of 2023 is liable to be set aside.

9. In the result, this Criminal Appeal is allowed and the impugned order dated 03.10.2023 passed in Crl.M.P.No.985 of 2023 on the file of the Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi is set



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aside. The appellant is ordered to be enlarged on bail with conditions.

(i) The appellant shall execute 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 cases under SC/ST(POA) Act, Thoothukudi.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

(iii) After executing bond as above, the appellant is directed to stay at Trichy and appear and sign before the Inspector of Police, Trichy Cantonment Police Station daily twice at 10.00 a.m and 5.00 p.m until further orders.

(iv) The appellant shall not tamper with evidence or witness either during investigation or trial.

(v) The appellant shall cooperate with the investigation.

(vi) On breach of any 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



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appellant released on bail by the learned Sessions judge/Trial Court himself
as laid own by the Hon'ble Supreme Court in **P.K.Shaji /vs/ State of
Kerala (2005) AIR SCW 5560.**

.11.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
vsd

To

- 1.The Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.
- 3.The Inspector of Police,
Eral Police Station,
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

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10.11.2023