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Crl.A.No.716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.716 of 2024

R.Usharani

...Appellant

Vs.

1. The Deputy Superintendent of Police,
Tirupur District.

2. State rep. by,
Inspector of Police,
All Women Police Station,
Dharapuram, Tiruppur District.
(Crime No.06 of 2023)

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3. K.Mythily

...Respondents

Criminal Appeal filed under Section 14A(ii) of SC/ST Act, to set aside the judgment dated 02.05.2024 in Crl.MP.No.289 of 2024 on the file of Learned Sessions Judge Mahalir Neethimandram, (FTMC), at Tiruppur and to enlarge the petitioner on bail in Crime No.06/2023 on the file of the respondent.

For Appellant : Mr.T.Balachandran

For Respondents : Mrs.G.V.Kasthuri
Addl. Public Prosecutor, for R1 & R2



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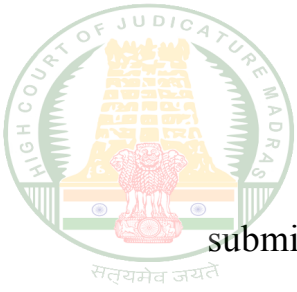
: Ms.K.Mythily (Party In Person), R3
J U D G M E N T

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This Criminal Appeal has been filed as against the order of dismissal of Bail application in Crl.MP.No.289 of 2024 dated 02.05.2024 passed by the Learned Sessions Judge Mahalir Neethimandram, (FTMC), at Tiruppur.

2. Learned counsel for the appellant submitted that the appellant is innocent and she has been falsely implicated in a case registered for the offence under Sections 5(l) 5(j)(ii) r/w 6 and 16 r/w 17 of POCSO Act and 313, 506(ii) of IPC and 3(l)(w)(i) r/w 3(2)(v) of SC/ST (POA) in Crime No.6 of 2023 and remanded to judicial custody on 29.12.2023. He further submitted that the appellant is confined in the Female Central Prison, Coimbatore for more than 6 months. Hence, he prays this Court for grant of bail to the appellant.

3. On the above contentions, this Court heard the learned Additional Public Prosecutor appearing for the respondents 1 & 2 and also the Defacto complainant who appeared before this Court today and



submitted that, she has no objection for granting bail to the appellant.

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4. Considering the facts and circumstances of the case and also the period of incarceration and also the fact that the other accused persons were granted bail by the lower court, this Court is inclined to grant bail to the appellant.

5. Accordingly, the Criminal Appeal is allowed and the appellant is directed to be enlarged on bail on condition that the appellant shall execute 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 Mahalir Neethimandram (FTMC), Tiruppur District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the appellant shall report before the respondent police as and when required for interrogation;

(c) the appellant shall not tamper with



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evidence or witness either during investigation or trial;

(d) the appellant shall not abscond either during investigation or trial;

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

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

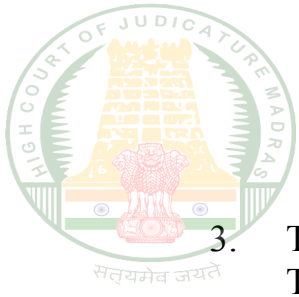
24.06.2024

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To

1. The Deputy Superintendent of Police,
Tirupur District.
2. The Inspector of Police,
All Women Police Station,
Dharapuram, Tiruppur District.

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3. The Sessions Judge Mahalir Neethimandram (FTMC),
Tiruppur District.
4. The Public Prosecutor, High Court, Madras.
5. The Female Central Prison, Coimbatore.

M.DHANDAPANI, J.

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