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CrI.A.No.808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM

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

CrI.A.No.808 of 2024

Samuvel

...Appellant

Vs.

1. State rep. by The Deputy Superintendent of Police,  
Udumalpet All Women Police Station,  
Tiruppur District.

2. Veerammal

...Respondents

Criminal Appeal filed under Section 14A(2) of Scheduled Castes and Schedule Tribes Amendment Act, 2015 to set aside the order passed by the learned I Addl. District Judge, Session Judge (FAC), Mahalir Neethimandram (FTMC), Tiruppur District in ECMP.No.384 of 2024 dated 06.06.2024 and enlarge the appellant on bail in connection with the case in Crime No.19 of 2024 on the file of the 1<sup>st</sup> respondent Police.

For Appellant : Mr.R.Sathiyaraj

For Respondent : Mrs. G.V.Kasthuri  
Addl.Public Prosecutor, for R1

: No Appearance [R2] [Notice served  
through Addl. Public Prosecutor]



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### **J U D G M E N T**

The Criminal Appeal has been filed as against the order of dismissal of Bail application in ECMP.No.384 of 2024 dated 06.06.2024 passed by the learned I Additional District Judge, Sessions Judge (FAC), Mahalir Neethimandram (FTMC), Tiruppur District.

2. Learned counsel for the appellant submitted that the appellant is innocent and he was falsely implicated in a case registered for the offence under Sections 5(g), 5(1), 5(j), (ii) r/w. 6 of POCSO Act and Sections 506(i) of IPC and 3(1) (w) (i), 3(2) (v) of SC/ST Act in Crime No.19 of 2024 and remanded to judicial custody on 16.05.2024. He further submitted that the appellant is confined in Central Prison, Coimbatore for more than 48 days. Hence, he prays this Court for grant of bail to the appellant.

3. On the above contention, this Court heard the learned Additional Public Prosecutor appearing for the first respondent.

4. On a perusal of the statement recorded u/s.164 of Cr.P.C.



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submitted by the learned Additional Public Prosecutor, it reveals that there are no allegations as against the appellant and considering the period of incarceration, 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 I Additional District Judge, Sessions Judge (FAC), 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 daily at 10.30 a.m. till the filing of the charge sheet;*

*(c) the appellant shall not tamper with evidence or witness either during investigation or*



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*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.*

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To

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1. I Addl. District Judge, Session Judge (FAC),  
Mahalir Neethimandram (FTMC), Tiruppur District
2. The Deputy Superintendent of Police,  
Udumalpet All Women Police Station,  
Tiruppur District.
3. The Public Prosecutor,  
High Court, Madras.
4. The Central Prison,  
Coimbatore.



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**M.DHANDAPANI, J.**

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