



Crl.A.No.1325 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 3/12/2024

C O R A M

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Criminal Appeal No.1325 of 2024

Ravi ... Petitioner

Vs

1. State
rep. By The Assistant Commissioner of Police
Tiruppur District.

2. State
rep. By The Inspector of Police
Anupparpalayam Police Station
Tiruppur District.

3. Vaithegi ... Respondents

PRAYER: Appeal filed under Section 14 A of the SC & ST Act, to set aside the order dated 3/10/2024 made in Crl.M.P.No.67 of 2021 before the learned Sessions Judge, Special Court for trial of Cases under SC/ST (POA) Amendment Act, Tiruppur in Crl.M.P.No.67 of 2024 in Spl.S.C.No.67 of 2024 and allow the Criminal Appeal by enlarging the appellant on bail.



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For appellant	...	Mr.N.Arunkumar
For respondents	...	Dr.C.E.Pratap Government Advocate (Criminal Side) for R.R.1 and 2
		Ms.S.Sridevi Legal Aid Counsel for R.3

J U D G M E N T

This Criminal Appeal challenges the dismissal of the appellant's bail application.

2. The appellant is the accused of offence under Sections 376 r/w. 511 of the Indian Penal Code and 3 (1) (w) (i), 3 (2) (v), 3 (1) (w) (ii) of SC/ST (POA) Amendment Act, 2015 and was arrested on 6/4/2024 on the complaint of the third respondent herein.

3. The allegation against the appellant is that he is the neighbour of defacto complainant; that on 5/4/2024 at about 4.00 a.m., he went into the house of the defacto complainant and tried to lift her dresses and commit rape and when the victim shouted for help, appellant left the place.



4. The learned counsel appearing for the appellant would submit that the appellant is in custody from 6/4/2024 and that he was detained under Act 14 of 1982 and it was subsequently, revoked; that the respondents had filed final report and therefore, his further detention is not necessary for the purpose of investigation. Therefore, prayed for bail.

5. The learned counsel appearing for the third respondent submitted that the appellant is a habitual offender and that he is having one previous case, pending on the file of the respondent and hence, no indulgence may be shown to the appellant.

6. The learned Government Advocate (Criminal Side) on instruction submitted that the respondent has filed a final report before the Mahila Court, Tirupur and the appellant has one previous case and is facing trial before the same Court.

7. The appellant is in custody from 6/4/2024 and his further detention is not required for the purpose of investigation, as the final report has already been filed. The appellant also has to defend himself before the trial Court.



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8. Considering the nature of allegations and the period of incarceration, this Court is of the view that the appellant can be released on bail.

9. Accordingly, the appellant is released on bail on following conditions:

(i). Since the appellant is the victim's neighbour, this Court is of the view that the appellant can be directed to stay at Erode and report before Erode Town Police Station daily, at 10.00 a.m., until further orders and also before the trial Court on all hearing dates.

(ii). 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 Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur.

(iii)The appellant/accused shall not commit any offences of similar nature.



(iv). The appellant/accused shall not abscond either during investigation or trial.

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

(vi). on breach of any of the aforesaid conditions, the learned Judicial 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]***.

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

10. In view of the above, this Criminal Appeal is allowed and the impugned order, dated 3/10/2024 made in Crl.M.P.No.67 of 2021 passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Amendment Act, Tiruppur is set aside.



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11.The Legal Aid Services Authority shall pay the schedule fees to
Ms.S.Sridevi, Advocate.

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mvs.

Index : Yes / No

Neutral Citation: Yes/No

To

1. The Sessions Judge, Special Court for trial of Cases
under SC/ST (POA) Amendment Act,
Tiruppur
2. The Assistant Commissioner of Police
Tiruppur District.
3. The Inspector of Police
Anupparpalayam Police Station
Tiruppur District.
4. The Public Prosecutor
High Court of Madras
Chennai

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