



WEB COPY



CrL.A.No.1344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 2/12/2024

C O R A M

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Criminal Appeal No.1344 of 2024

S. Vijayakrishnan

...

Petitioner

Vs

State
rep. By

1. The Deputy Superintendent of Police
Villupuram
Villupuram District.

2. The Inspector of Police
Thiruvannainallur Police Station
Villupuram District.

3. Abirami

...

Respondents

PRAYER: Appeal filed under Section 14 A (2) of BNSS to set aside the order passed by the learned Court of Sessions Judge, Special Court for Exclusive Trial of cases registered under SC/ST (POA) Act, Villupuram District in CrL.M.P.No.2205 of 2024 and the same was dismissed on 23/10/2024 and enlarge the appellant on bail in Crime No.827 of 2024,



CrI.A.No.1344 of 2024

pending on the file of the Inspector of Police, Thiruvennainallur Police Station, Villupuram District.

For appellant	...	Mr.A.Arunkumar
For respondents	...	Dr.C.E.Pratap Government Advocate (Criminal Side) for R.R.1 and 2
		Mr.V.Perarasu Legal Aid Counsel for R.3

JUDGMENT

This Criminal Appeal challenges the dismissal of the petitioner's bail application in CrI.M.P.No.2205 of 2024 before the learned Sessions Judge, Special Court for Exclusive Trial of cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram.

2. The petitioner is the accused of the offences punishable under Section 351 (3) BNS r/w. Section 4 of TNPHW Act r/w. 3 (1) (w) (i), 3 (2) (v), 3 (2) (va) of SC/ST Act. The allegation against the petitioner is that the



petitioner and defacto complainant had a love affair and on the promise of marriage, petitioner had sexual intercourse with the victim and when the victim requested the petitioner to marry her, he assaulted the victim with 'keys' and also abused her in filthy language and thereafter, the victim consumed poison and pursuant to the treatment in the hospital was saved.

3. The learned counsel appearing for the appellant would submit that since it is a case of love affair, allegation with regard to rape and criminal intimidation is an after thought and that the petitioner has not committed any of the alleged offence and in any case, the petitioner is in custody for 55 days and further custody is not required for the purpose of investigation.

4. The learned counsel appearing for the defacto complainant submitted that on the promise of marriage, the petitioner had sexual intercourse with the victim and he abused the victim in filthy language, when the victim wanted to marry the petitioner.

5. The learned Additional Public Prosecutor would submit that the investigation is completed and a final report has been filed and is yet to be taken on file.



WEB COPY

6. Considering the nature of allegations that the petitioner and victim had love affair; the fact that the petitioner is in custody for 55 days; and that the respondent had already filed final report, and further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the appellant.

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

(i)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 Court of Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram, Villupuram District.

(ii)The appellant/accused shall report before the Inspector of Police, Thiruvannainalur Police Station, Villupuram District, on every Monday at 10.00 a.m, until further orders except on the date when he has to appear before the Trial Court.



(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.



CrI.A.No.1344 of 2024

8. In view of the above, this Criminal Appeal is allowed and the impugned order, dated 23/10/2024 made in CrI.M.P.No.2205 of 2024 passed by the learned Sessions Judge, Special Court for Exclusive trial of cases registered under SC/ST (POA) Act, Villupuram is set aside.

9.The Legal Aid Services Authority shall pay the schedule fees to Mr.V.Perarasu, Advocate.

2/12/2024

mvs.

Index : Yes / No

Neutral Citation: Yes/No

Note: Issue order copy on 3/12/2024

To

1. The Sessions Judge, Special Court for Exclusive Trial of cases registered under SC/ST (POA) Act, Villupuram
2. The Deputy Superintendent of Police
Villupuram
Villupuram District.
3. The Inspector of Police
Thiruvannainallur Police Station
Villupuram District.



WEB COPY



CrI.A.No.1344 of 2024

SUNDER MOHAN,J

mvs.

CrI.A.No.1344 of 2024

2/12/2024