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Crl.A.No.473 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRLA.No.473 of 2025

Kathirvel

... Appellan

Versus

1.Deputy Superintendent of Police,
Tiruppur.

2.The State Rep. by
The Inspector of Police,
Dharapuram AWPS,
Tiruppur District.
(Crime NO.8 of 2025)

3.Divyadharshini

... Respondents

Prayer:- Criminal Appeal Petition filed under Section 14(A)(2) of the SC ST Act, 1989, to set aside the order dated 24.03.2025 made in C.M.P.No.98 of 2025 passed by the learned Sessions Judge, Mahalir Neethimandram, (FTMC) Tiruppur and to allow the criminal appeal and enlarge the appellant on bail.

For Appellant : Mr.J.Franklin

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



ORDER

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This Criminal Appeal challenges the dismissal of the appellant's bail application filed before the trial Court.

2. The allegation against the appellant is that the appellant aged 20 years and the victim girl/ defacto complainant aged 17 years had love affair and that on 16.10.2024, the appellant committed penetrative sexual assault on the victim girl and she became pregnant. Later, the victim girl asked the appellant to marry her, but the appellant refused stating that she belonged to a lower caste. The appellant had sought bail before the trial Court, which was dismissed. Hence, the present case.

3. The learned counsel appearing for the appellant submitted that admittedly, the victim and the appellant loved each other and the victim had consensual intercourse with the appellant; that the appellant has been falsely implicated in this case and considering the period of incarceration, appellant may be released on bail.

4. The learned Government Advocate submitted that the victim was abused



by the appellant and when the victim asked the appellant to marry her, the appellant refused stating that the victim belonged to a lower caste.

5. Admittedly, it is the case of love affair. Considering the age of the appellant and the period of incarceration, this Court is inclined to release the appellant on bail, on the 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 learned Sessions Judge, Mahalir Neethimandram, (FTMC) Tiruppur.

(ii)The appellant and 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 and mobile numbers to ensure their identity;

(iii) the appellant shall appear before the jurisdictional magistrate from Monday to Friday at 10.30 a.m., and shall appear before the respondent police on Saturday and Sunday at 10.30 a.m., until further orders;

(v)the appellant shall not commit any offences of similar nature;

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

(vii)the appellant shall not tamper with evidence or witness either during



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investigation or trial;

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(viii) on breach of any of the aforesaid conditions, the learned Trial Judge 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];

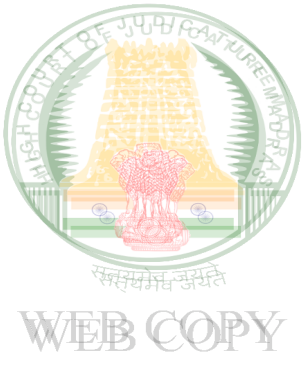
(ix) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. In view of the above, the impugned order dated 24.03.2025 made in Crl.M.P No.98 of 2025 on the file of learned Sessions Judge, Mahalir Neethimandram, (FTMC) Tiruppur is set aside and the Criminal Appeal is allowed.

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dpa/skr

Note:



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- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this court will be watermarked and will also have a QR code.**

To

- 1.The learned Sessions Judge, Mahalir Neethimandram, (FTMC)
Tiruppur
- 2.The Inspector of Police,
Dharapuram AWPS,
Tiruppur District.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
Madras High Court.

N.SENTHILKUMAR, J.



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