



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 26.04.2018

CORAM:
THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.207 of 2018

Kirubakaran ... Appellant/Petitioner

Vs.

1.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

2.The Inspector of Police,
All Women Police Station,
Ambasamuthiram,
Tirunelveli District.
Crime No.1 of 2018

... 1st Respondent/Respondent

3.Prema ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1/2016, to set aside the order dated 11.04.2018 made in Crl.M.P.No.987 of 2018 on the file of the learned IInd Additional District and Sessions Judge (PCR) Tirunelveli and enlarge the appellant on bail.

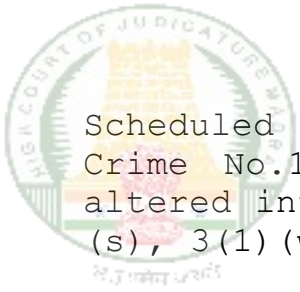
For Appellant	: Mr.S.Sathya Chidambaram
For Respondents 1 and 2	: Mr.K.Suyambulinga Bharathi, Government Advocate (Crl. Side)

JUDGMENT

Heard Mr.S.Sathya Chidambaram, learned counsel appearing for the appellant and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.

2.This appeal has been filed against the order passed in Crl.M.P.No.987 of 2018 dated 11.04.2018 on the file of the learned IInd Additional District and Sessions Judge (PCR) Tirunelveli and enlarge the appellant on bail.

<https://hcservices.co.in/ShowCaseDetails.aspx?CaseNo=2018MD0207>
3.The alleged offence against the appellant is that the appellant has committed rape of the daughter of the defacto complainant who is a mentally affected person who belong to



Scheduled caste and a case was registered against the appellant in Crime No.1 of 2018 under Sections 452, 376 and 506(i) of IPC altered into Sections 452, 376 and 506(i) of IPC r.w 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(2)(ba) of SC\ST (POA) Act .

4.On the side of the appellant, it is stated that the occurrence is said to have been committed on 23.01.2018 at 06.00 hours. But the same was reported before the second respondent only on 03.02.2018 at 12.00 hours. There is a delay in filing the complaint. It is further stated that the accused was arrested on 06.02.2018 and kept in custody for the past 80 days.

5.On the side of the respondent, it is stated that the victim is the daughter of the defacto complainant and the victim is a mentally affected person. The appellant trespassed into the house of the girl and committed rape. It is further stated that the investigation is in preliminary stage and hence, he objected to grant bail to the appellant.

6.Records perused. The offence against the appellant is grave in nature and the investigation is in preliminary stage. Considering the condition of the victim and also considering the nature of offence committed by the appellant, this Court is not inclined to grant bail to the appellant. Hence, this Criminal Appeal is dismissed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The II Additional District and Sessions Judge,
Tirunelveli.

2.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

3.The Inspector of Police,
All Women Police Station,
Ambasamuthiram,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



5.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

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26.04.2018

MRN
KK/JC/SAR-3/25.06.2018/3P-7C/