



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A.(MD)No.465 of 2018

Prakash

:Appellant

Vs.

1.State Rep.by

The Deputy Superintendent of Police,
Thiruvidaimaruthur,
Thanjavur District.

2.The Inspector of Police,
Panthanallur Police Station,
Thanjavur District
Crime No.116 of 2017

3.Somu

4.Minor Divya

Represented by her father and guardian
Somu

:Respondents

PRAYER: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order dated 27.09.2018 made in Cr.M.P.No.664 of 2018 on the file of the Sessions Judge, (FAC) Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur and to set aside the same and enlarge the appellant on bail in connection with crime No.116 of 2017 on the file of the respondent Police by allowing this Criminal Appeal.

For Appellant

: Mr.PR.Boomee Rajan

For R1 & R2

: Mr.A.Robinson
Government Advocate (Crl.side)

JUDGMENT

The Criminal Appeal is filed against the order dated 27.09.2018 passed in Crl.M.P.No. 664 of 2018 by the learned Sessions Judge, (FAC) Mahalir Neethimandram, (Fast Track Mahila Court), Thanjavur.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel appearing for the appellant and



the learned Government Advocate (Crl.side) appearing for the first and second respondents.

3. Records perused.

4. The appellant herein seeks bail for the offence under Section 366 (A) IPC and Section 5(1) r/w Section 6 of POCSO Act 2012 r/w Sections 3(1) (W) (II), 3(2) (V) SC/ST(POA) Amendment Act 2016.

5. The short facts of the case is that the appellant, who is 30 years old, fall in love with 14 years old girl and they eloped. Thereafter, based on a complaint given by the father of the victim, the appellant/accused was secured and remanded to judicial custody. Before the trial Court, the appellant had repeatedly, filed several bail petitions and all were dismissed. The last petition was dismissed on the ground that the victim and her father appeared before the Court below, pursuant to the notice issued to them under Section 15 (A) of the said Act and they have expressed imminent danger to their life, however, they have no objection to grant bail to the accused. It is also recorded by the Court below that the victim and her father have expressed that that they are incurring expenses since they were directed to appear before the Court below frequently in response to the bail petition.

6. Even in this bail petition, though notice was served to the defacto complainant, he has not turned up. In the impugned order, the Court below had categorically observed that the defacto complainant and the victim girl expressed their apprehension at the hands of the appellant and dismissed the bail petition.

7. Considering the nature of offence and age of the victim and also apprehension expressed by them, this Court is of the view that the appellant does not deserve bail. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

gns

To

1. The Sessions Judge, (FAC) Mahalir Neethimandram
(Fast Track Mahila Court),
Thanjavur.



2.The Deputy Superintendent of Police,
Thiruvidaimaruthur,
Thanjavur District.

3.The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.

4.The Additional Mahila Court,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.PR.Boomee Rajan, Advocate in SR No.91287

Crl.A. (MD) No.465 of 2018

NM/RP/SAR III/13.11.18/3P/6C.