

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.A.No.163 of 2019

Saravanan

...Appellant

Vs.

The Inspector of Police,
Tiruvannamalai All Women Police Station,
Tiruvannamalai.

Now investigated by
The Deputy Superintendent of Police
Tiruvannamalai
Tiruvannamalai District

...Respondents

The Criminal Appeal filed under Section 378 of Code of Criminal Procedure, to call for the records relating to the order dated 13.03.2019 made in c.M.P.No.883 of 2019 on the file of the learned Principal District and Sessions Judge cum Special Court for SC/ST Cases, Tiruvannamalai.

For Appellant : Mr.R.Prabakar
For Respondent : Mr.R.Ravichandran,
Govt. Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed by the petitioner to call for the records relating to the order dated 13.03.2019, in C.M.P.No.883 of 2019, on the file of the learned Principal District and Sessions Judge cum Special Court for SC/ST Cases, Tiruvannamalai and quash the same.

2. Based on the complaint given by the one Suganya, the respondent police registered a case in Crime No.5 of 2019 for the offence under Sections 294(b), 352, 376(1), 312, 493, 496, 506(ii) IPC and 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of SC and ST (Prevention of Atrocities) Amendment Act 2015. After investigation, the respondent police filed charge sheet before the learned Judicial Magistrate-II, Tiruvannamalai and arrested the accused.

3. On a reading of the materials, it is seen that the revision petitioner/accused has moved the bail application before the learned Principal District and Sessions Judge, Tiruvannamalai in Crl.M.P.No.883 of 2019. After hearing both sides, the learned Judge dismissed the bail application on the ground that the investigation is pending. Aggrieved against the order passed by the learned Principal District and Sessions Judge, Tiruvannamalai, the appellant has preferred this present criminal appeal before this Court.

4. The learned counsel for the appellant would submit that the appellant married the defacto complainant on 30.10.2018. Due to some family problems, the defacto complainant has lodged a false complaint before the respondent police. The accused is in judicial custody from 16.02.2019. Hence, the learned counsel for the appellant prays this Court to set aside the order passed by the Court below.

5. Per contra, the learned Government Advocate (Crl. side) has strongly objected the Criminal Appeal filed by the accused on the ground that investigation is pending and medical report is yet to be received. Hence, the learned Principal and Sessions Judge has rightly dismissed the petition, which does not warrants any interference of this Court.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. The case of the prosecution is that the appellant has made a false promise to the defacto complainant of marrying her and had sexual relationship with her. When she asked to marry her, he refused and threatened her with dire consequences. He has also abused her with her caste name. Medical test was taken on the appellant and defacto complainant, and the report is yet to be received. Under these circumstances, if he released on bail, there is a possibility for tampering with the witnesses and also absconding from the clutches of law.

8. Considering the serious nature of the offence and also specific overtact against the appellant, this Court is not inclined to set aside the order passed by the learned Principal District and Sessions Judge, Tiruvannamalai in Crl.M.P.No.883 of 2019 dated 13.03.2019.

9. In the result, the Criminal Appeal is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal District and Sessions Judge
cum Special Court for SC/ST Cases,
Tiruvannamalai.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Tiruvannamalai All Women Police Station,
Tiruvannamalai.
4. The Deputy Superintendent of Police
Tiruvannamalai

+1 cc to Mr.R.Prabhakar Advocate sr 28480

Crl.A.No.163 of 2019

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