

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Appeal No.188 of 2019

Babu

... Appellant/Accused

-Vs-

The State of Tamil Nadu
rep. by Station House Officer,
Periyathatchur Police Station,
Villupuram District.
(Crime No.51 of 2019)

... Respondent/Complainant

Criminal Appeal filed under Section 374 of the Code of Criminal Procedure, praying to call for the records relating to the proceeding of the Court of Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, Villupuram in Crl.M.P.No.234 of 209 in Crime No.51 of 2019 on the file of Periyathatchur Police Station and set aside the order dated 13.03.2019 and enlarge the appellant on bail.

For Appellant : Mr.M.Devaraj

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl.Side)

J U D G M E N T

This appeal has been filed to set aside the order dated 13.03.2019 made in Crl.M.P.No.234 of 209 on the file of the Court of Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, Villupuram.

2. The respondent police registered the case against the appellant/accused in Crime No.51 of 2019 for the offence under Section 376 IPC and Sections 3(1)(w)(ii) and 3(2)(v) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The respondent police arrested the accused on 14.02.2019 and remanded to judicial custody only on 16.02.2019. During the custody, the appellant/accused filed the

bail application before the designated Court. The learned Sessions Judge, Special Court for Exclusive Cases Registered under The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, dismissed the bail application on the ground that the offence is serious in nature and also the investigation is yet to be completed, as against which, the accused preferred the present appeal before this Court.

3. The learned counsel for the appellant would submit that though the accused was caught red-handed by the complainant and the villagers and handed over to the police on 14.02.2019, the accused was remanded to judicial custody only on 16.02.2019 i.e., two days later, which creates doubt.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the victim girl is mentally retarded. The appellant/accused committed the alleged offence under section 376 IPC and the investigation is in the preliminary stage. If the accused is released on bail, he would tamper the witness. Hence, the learned Government Advocate (Crl.Side) prays for dismissal of the appeal.

5. Heard the learned counsel appearing for the appellant, the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

6. There is specific overt act in the FIR itself as against the appellant/accused and the allegation is very serious in nature and also the victim is mentally retarded person, who is belonging to the scheduled caste. Considering the serious nature of offence and the investigation is yet to be completed and if the accused released on bail, he may interfere with the investigation, this Court does not find any merit in the appeal and the same is deserved to be dismissed.

7. Accordingly, this Criminal Appeal shall stand dismissed.

Sd/-

Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
registered under SC/ST (POA) Act,
Villupuram.
2. The Station House Officer,
Periyathatchur Police Station,
Villupuram District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court, Madras -104.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

Criminal Appeal No.188 of 2019

GJ(CO)
CS/27/06/2019



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