



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	18.07.2019
Date of Judgment	18.10.2019

CORAM

THE HONOURABLE JUSTICE MRS.T.KRISHNAVALLI

CRL.A(MD).No.193 of 2019

Deva Pitchai : Appellant/Sole Accused
Vs

1.State through
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.10 of 2018) : 1st Respondent/Complainant

2.Minor Sobia Devi : 2nd Respondent/De-facto complainant

3.Minor Niranjana Rani

4.Minor Vishnupriya

5.Minor Reaveetha

6.Minor Jeevitha

7.Minor Sanjeevitha

8.Prithika : Respondent 3 to 8/Victims

Prayer: This Criminal Appeal is filed Under Section 374 of Criminal Procedure Code against the order, dated 30.01.2019 passed in Cr.M.P.No.156 of 2019 by the Sessions Judge, Mahalir Neethimandram, Madurai.

For Appellant : Mr.S.Abdul Rahuman
For 1st Respondent : Mr.R.Anandharaj
Additional Public Prosecutor
For Respondents 2 to 8 : M/s.C.Jeya Indra Patel
(Legal Aid Counsel)

J U D G M E N T

This Criminal Appeal is directed the order, dated 30.01.2019 passed in Cr.M.P.No.156 of 2019 by the Sessions Judge, Mahalir Neethimandram, Madurai.

2.According to the prosecution, the appellant/accused, who was in-charge of the Home namely Sunlight Children Home, had sexually abused the de-facto complainant along with other young girls, who were residing at the said Home and had also tortured the complainant sexually for the past 9 years and in this regard, she had preferred a complaint on 30.12.2018.



3.The respondent police registered FIR in Crime No.10 of 2018 for the offences under Sections 5(I), 5(o), 6, 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2)(va) of the SC/ST (POA)Amendment Act 2015. The respondent arrested the appellant/accused on 01.12.2018 and remanded to the judicial custody. The appellant/accused filed Crl.MP No.156 of 2019 before the Sessions Judge, Mahalir Neethimandram, Madurai, seeking bail. The learned Sessions Judge, dismissed the petition on 30.01.2019. Aggrieved over the same, the accused is before this court.

4.The learned counsel appearing for the appellant submitted that the appellant is from reputed family and he is having helping mind to the child and therefore, he started children home by his own cost in the year 2006with Government Permission namely Sun Light Gos Bell and in the year 2008, the appellant met road accident and he lost his right hand and after the said accident, he did not able to do his routine work without help of others and the appellant got National Identity Card and Passbook with disability certificate from the Department of Rehabilitation of the disabled issued by the Government of Tamil Nadu and in the year 2018, the home permission was cancelled by the Government and therefore, the children who are staying in the home transferred to another Home and the appellant/accused is an innocent person and he has not committed any offence as alleged by the prosecution.

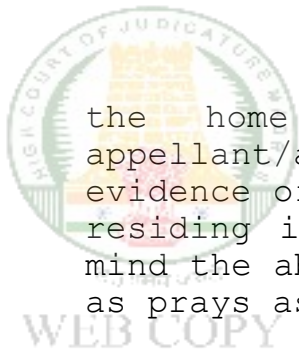
5.The learned Additional Public Prosecutor appearing for the 1st respondent submitted that the accused had sexually abused the young girls, who were residing at Sun Light Children Home and he had tortured the complainant for the past 9 years and hence, she had preferred a complaint on 30.12.2018 and hence, prays for dismissal of the appeal.

6.Heard the learned counsel appearing for the respondents 2 to 8 and perused the materials available on record.

7.It is seen from the records that the based on the complaint given by the de-facto complainant, a case in Crime No.10 of 2018 stands registered by the respondent police against the accused and he was arrested on 01.12.2018 and charge sheet has been filed before the Mahila court, Madurai, after enquiring 50 witnesses.

8.The accused moved an application for bail in Crl.MP No.3 of 2019 and the same was dismissed on 04.04.2019 and subsequently, he moved second bail application before the Sessions Judge, Mahalir Neethimandram, in Crl.MP No.156 of 2019 and the same was dismissed on 30.01.2019.

9.It is seen that the appellant/accused who is running a <https://hcservices.gov.in/home-services> with 80 children and the children has been vested with



the home authorities and being the Managing Trust, the appellant/accused has to act as a guardian. On perusal of the evidence of the victim girls, it reveals that so many girls, who are residing in the same were subjected to sexual torture. Keeping in mind the above facts, this court is not inclined to grant any relief as prays as for.

10. In the result, this criminal appeal is **dismissed**.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar (CS)

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To

1. The Sessions Judge,
Mahalir Neethimandram,
Madurai.
2. The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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