

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2020

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.A. No.319 of 2020

Dharmaraj

Appellant/Petitioner

vs.

1 State by
the Inspector of Police
All Women Police Station
Sriperumbudur
Kancheepuram District
(Cr. No.5 of 2020)

2 Lalitha Respondents /Respondent &
Defacto Complainant

Criminal Appeal preferred under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeking to call for the records from the lower Court and set aside the order dated 10.07.2020 made in email C.M.P. No.61 of 2020 on the file of the Sessions Judge, (Special Court for Exclusive Trial of Cases under the POCSO Act), Chengalpattu and enlarge the appellant on bail.

For petitioner Mr. N. Saravanan

For R1 Mrs. P. Kritika Kamal
Govt. Advocate (Crl.Side)

For R2 No appearance

JUDGMENT

This case is taken up through video conferencing.

2 It is the case of the prosecution that the appellant had enticed the victim girl "X", an 11 year old Dalit girl, eloped with her and has had physical relationship with her on the promise of marrying her.

3 For these allegations, on the complaint lodged by the second respondent, the mother of "X", the police registered a

case in Cr. No.5 of 2020 on 23.06.2020 under Section 363, 366, 506(I), 376(2)(I) IPC, Sections 4 and 6 of the POCSO Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and arrested the appellant on 25.06.2020 and secured "X".

4 The bail application in CrI.M.P. No.61 of 2020 that was filed by the appellant has been dismissed by the Sessions Court (Special Court for POCSO Act Cases) Chengalpattu, on 10.07.2020, aggrieved by which, the present criminal appeal has been preferred.

5 Heard Mr. N. Saravanan, learned counsel for the appellant and Mrs. P. Kritika Kamal, learned Government Advocate (CrI. Side) appearing for the first respondent police.

6 The learned counsel for the appellant submitted that "X" had written several love letters to the appellant and only at her instance, the appellant eloped with her.

7 Per contra, the learned Government Advocate (CrI. Side) submitted that "X" was only 11 years old during the relevant point of time and in support of this submission, she produced the school certificate of "X", which shows the date of birth of "X" as 20.01.2009.

8 Taking into consideration the gravity of the allegations and the fact that "X" was only 11 years old when she was taken away by the appellant, this Court is not inclined to grant the relief of suspension of sentence and bail to the appellant.

In the result, this criminal appeal is dismissed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Inspector of Police
All Women Police Station
Sriperumbudur
Kancheepuram District
- 2 The Sessions Judge
(Special Court for Exclusive
Trial of Cases under the POCSO Act)
Chengalpattu

3 The Public Prosecutor
Madras High Court
Chennai - 600 104.

Crl.A. No.319 of 2020

SR(CO)
GN(23/10/2020)



WEB COPY