

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.09.2020

PRONOUNCED ON : 08.10.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.359 of 2020

Senthilkumar ... Appellant/Accused - 5

Vs.

1.State represented by
The Inspector of Police,
AWPS, Mayiladuthurai
Nagapattinam District.
(Crime No.17 of 2020) ... Respondent/Complainant

2.Arokiyaraj
Social Worker,
District Child Protection Unit,
Second Floor Room No.209
District Collector Office
Nagapattinam District. Defacto Complainant

Criminal Appeal filed under Section 14-A of the Amendment SC/ST Act, 2015, praying to set aside the order dated 27.08.2020 made in Crl.M.P.No.235 of 2020 before the learned Sessions Judge (Special Court under POCSO Act) Nagapattinam to enlarge the appellant on bail in Crime No.17 of 2020 on the file of the first respondent by allowing this criminal appeal.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent: Mrs.P.Kritika Kamal
Government Advocate
(Crl. Side) [R1]

No Appearance for R2

JUDGMENT

This case is taken up through video conferencing.

2. This criminal appeal has been preferred seeking to set aside the order dated 27.08.2020 made in Crl.M.P.No.235 of 2020 before the learned Sessions Judge (Special Court under POCSO Act) Nagapattinam, to enlarge the appellant on bail in Crime No.17 of 2020 on the file of the first respondent by allowing this criminal appeal.

3. On the complaint lodged by the second respondent, the Police registered a case in Crime No.17 of 2020 for the offences under Sections 6 r/w. 5(g), (j), (ii), 5(l), 17 of POCSO Amendment Act, 2019 and Section 9 of Prohibition of Child Marriage Act, 2006, against Mariammal, the mother of the victim girl, who was 14 years old.

4. A reading of the complaint shows that Mariammal (A2), the mother of X, was addicted to liquor and was engaging her daughter for sex work. X became pregnant and she delivered a girl child on 18.07.2020. The Police arrested several persons including the appellant herein on 24.07.2020. Since X was a dalit, the penal provisions under the SC/ST Act was included in the F.I.R. The appellant filed CrI.M.P.No.235 of 2020 in the Special Court for POCSO cases for bail, which was dismissed on 27.08.2020, aggrieved by which, he has preferred the present appeal.

5. Heard Mr.S.Nedunchezhiyan, learned counsel for the appellant and Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) for the first respondent.

6. Learned counsel for the appellant contended that there are no serious allegations against the appellant in the F.I.R. and that it was only stated that he tried to misbehave with X.

7. A reading of the 164 Cr.P.C. statement of X shows that the appellant was continuously harassing her for sexual favours, without even considering that she was hardly 14 years old.

8. Taking into consideration, the nature of the allegations against the appellant, this Court is of the view that this is not a fit case to grant bail and accordingly, the Criminal Appeal is dismissed.

Sd/-
Asst.Registrar (CS)

/true copy/

Sub Asst. Registrar

To

1.The Sessions Judge,
Special Court under POCSO Act,
Nagapattinam.

2.Sub-Jail,
Nagapattinam District.

3.The Inspector of Police,
AWPS, Mayiladuthurai
Nagapattinam District.

4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

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Cr1.A.No.359 of 2020



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