

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A.No.192 of 2021

K.Jaikrishnan

... Appellant

Vs.

1.State Rep. by
The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.
(Crime No.4 of 2021)

2.The Deputy Superintendent of Police,
Dharmapuri District.

3.Muniammal

... Respondents

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Schedule Caste / Schedule Tribe Prevention of Atrocities Act, 1989, to set aside the the order dated 01.03.2021 passed by the Fast Track Mahila Court, Dharmapuri and to grant bail to the appellant in connection with the above Crime No.4 of 2021, pending investigation before the respondent-Police.

For Appellant : Ms.Manjula Chavan

For Respondent : Mr.K.Mathan
Government Advocate (Criminal Side)

J U D G M E N T

This Criminal Appeal has been filed by the Appellant/accused as against the order of dismissal of the bail application in Crl.MP.No.76 of 2021, dated 01.03.2021, passed by the learned Judge, Fast Track Mahila Court, Dharmapuri.

2.The short facts of the prosecution of the case is hereunder:

The appellant/accused belongs to Hindu Vaniar Community and one Muniammal, gave a complaint to the respondent-Police on 30.01.2021, stating that the appellant had intercourse with her second daughter, viz., Revathi on 26.01.2021, by use of knife threat. Based on the said complaint, a case was registered in Crime No.4 of 2021 against the appellant for the offence under Sections 3 r/w 4 of the Protection of the Child from Sexual Offences Act, 2012, Section 506 (2) of IPC, and Section 3(1)(w) (i) and 3 (2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 and the appellant was arrested on 31.01.2021.

3. The learned counsel for the appellant would submit that the appellant is an innocent and he is no way connected with the offences as alleged and the appellant is hailing from a respectable family. It is further submitted that the appellant is a patient suffering from Chronic diabetic and he is under treatment and also suffering from Asthma and if he is to be continued detained in jail, it will endanger to his life. However, the learned Judge, without considering the facts, dismissed the bail petition, and hence prays for setting aside the order passed by the learned Judge, and to grant bail to the appellant.

4. The learned Government Advocate (Criminal Side) would submit that the appellant was arrested on 31.01.2021 and the charge sheet has not been filed so far. However the learned Trial Judge, taking into consideration the heinous nature of the offences, had dismissed the bail.

5. This Court heard the learned counsel on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case and also considering the serious nature of the offence, and also considering the fact that the victim girl is aged about 12 years, and also taking note of the fact that charge sheet not yet filed, this Court is not inclined to allow this Appeal and confirms the order of dismissal passed by the learned Judge, Fast Track Mahila Court, Dharmapuri, in the bail petition in Cr.M.P.No.76 of 2021. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Fast Track Mahila Court,
Dharmapuri.

2.The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.

3.The Deputy Superintendent of Police,
Dharmapuri District.

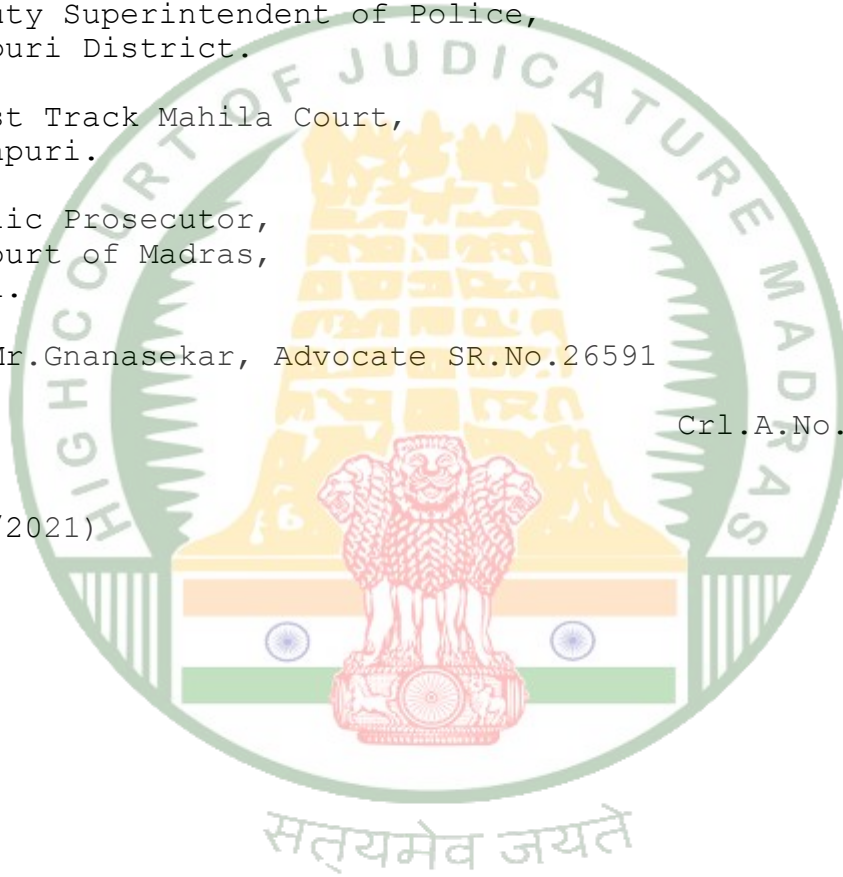
3. The Fast Track Mahila Court,
Dharmapuri.

4.The Public Prosecutor,
High Court of Madras,
Chennai.

+2ccs to Mr.Gnanasekar, Advocate SR.No.26591

Crl.A.No.192 of 2021

SSD(CO)
GMY(28/06/2021)



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