



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Appeal No.344 of 2021

Dineshrooban
S/o.Seshaiya

.. Appellant / 1st Accused

Vs.

1. The Superintendent of Police
Nethimedu, Salem
Tamilnadu - 636001

... Respondent No.1 / Complainant

2. The Inspector of Police
Shevapet Police Station, Salem.

... Respondent No.2 /Complainant

3. Vaishnavi
D/o.Rajbabu

.. Respondent No.3 /Defacto Complainant

Prayer : Criminal Appeal filed under Section 14(A)(2) of SC/ST Act 1989, praying to set aside the order passed by the learned Sessions Judge Special Court for Exclusive Trial of Cases under POCSO Act, in Salem in CrI.M.P.No.337 of 2020 dated 20.08.2020 and enlarge the appellant on bail in Crime No.467 of 2019 on the file of the Inspector of Police, Shevapet Police Station, Salem District, pending investigation.

For Petitioner : Mr.M.Venkatachalam

For Respondents 1&2 : Mr.S.Sugendran
Government Advocate (CrI.Side)

J U D G M E N T

This Criminal Appeal has been filed by the appellant who is the accused in Crime No.467 of 2019 for the offences punishable under Sections 7 read with 8, 16 and 17 of POCSO Act and under Sections 3(2) (va) SC/ST Act and also under Sections 354(A), 326 and 506(1) of IPC and he seeks bail.

2. The petitioner had filed an application before the designated Court in CrI.M.P.No.337 of 2020 seeking for bail and the same was dismissed. Challenging the said dismissal order, the petitioner has filed the present appeal before this Court.



3. The learned Counsel for the appellant would submit that a false case has been foisted against the appellant and he has not committed any offence as alleged by the prosecution. He would submit that the appellant has to work and pay for his aged parents for their livelihood and treatment. Therefore, he seeks for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that already charges have been framed and the trial has commenced. He would submit that the evidence of P.W.4 has been completed and P.W.5 Chief Examination and deposition is in progress and almost the trial is completed and at this stage, if bail is granted, there is every possibility of the appellant tampering the witnesses. Hence, he would vehemently opposed for grant of bail.

5. Heard the learned Counsel for the appellant and the learned Government Advocate (Crl. Side) appearing for respondents 1 and 2.

6. None appeared on behalf of the defacto complainant. However, the trial has already commenced and it has come to an end. At this stage this Court is not inclined to grant bail to the petitioner who has committed the offence punishable under Sections 7 read with 8, 16 and 17 of POCSO Act and under Sections 3(2) (va) SC/ST Act and also under Sections 354(A), 326 and 506(1) of IPC and that the age of the victim is only 16 years.

7. Therefore, considering the nature of offence and the stage of trial, this Court is not inclined to grant bail to the appellant.

8. However, the trial Court is directed to conduct the trial on day to day basis and complete the trial on or before 16.08.2021 and dispose of the case on or before 31.08.2021.

9. Accordingly, this Criminal Appeal stands dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ksa-2

To

1. The Sessions Judge,

The Court of the Special Court

<https://hcservices.ecourts.gov.in/hcservices/>

Exclusive Trial of Cases under POCSO Act, Salem.



2. The Superintendent of Police
Nethimedu, Salem, Tamilnadu - 636001

3. The Inspector of Police
Shevapet Police Station, Salem.

4. The Superintendent,
Salem Central Prison, Salem.

5. The Public Prosecutor Officer,
High Court, Madras.

6. The Honourable POCSO Committee,
High Court, Madras

Copy to:

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

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LN (CO)
K.RK. (26.07.2021)