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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Appeal No.388 of 2021

Udhayakumar

...Appellant/Accused-1

Vs.

1.The Deputy Superintendent of Police
Ranipet Taluk
Vellore District

2.State by
The Inspector of Police
All Women Police Station
Ranipet District
Crime No.11 of 2021

3.Malathi

...Respondent / Complainant

Prayer : Criminal Appeal filed under Section 14(a) of SC / ST Act, seeking to set aside the order passed in CrI.M.P.No.254 of 2021 dated 10.08.2021 and enlarge the petitioner on bail in Crime No.11 of 2021 on the file of the The Inspector of Police, All Women Police Station, Ranipet District.

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

J U D G M E N T

(The case has been heard through video conference)

The Criminal Appeal has been filed seeking to set aside the order passed in CrI.M.P.No.254 of 2021 dated 10.08.2021 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST Act, Vellore, and to enlarge the appellant on bail in Crime No.11 of 2021 on the file of the Inspector of Police, All Women Police Station, Ranipet District.



2. The case of the prosecution is that the appellant on the false promise of marrying the defacto complainant stayed with her several times and she was subjected to the whims of the appellant. Thereafter, when she insisted the appellant to marry her, he along with the other accused abused her by uttering her caste name and thereby, cheated the defacto complainant and spoiled her entire life. Therefore, the defacto complainant lodged a complaint and the respondent police registered a case against the appellant and other accused in Crime No.11 of 2021 initially for the offences punishable under Sections 417 IPC read with Sections 3(1)(s), 3(1)(w)(i) of SC/ST (PoA) Amendment Act, 2015 and later altered into Sections 417, 376 IPC read with Sections 3(1)(s), 3(1)(w)(i), 3(1)(r), 3(2)(v) of SC/ST (PoA) Amendment Act, 2015. During the pendency of the investigation, the appellant along with other accused filed a petition before the designated Court in CrI.M.P.No.254 of 2021 seeking for bail and the same was allowed as against the other accused and it was dismissed as against the appellant herein by order dated 10.08.2021. Challenging the said dismissal order, the appellant has filed the present appeal before this Court.

3. The learned Counsel for appellant would submit that the appellant along with three others had filed a petition before this Court in CrI.O.P.No.12209 of 2021 seeking for a direction to the designated Court to accept their surrender and to consider their bail application on the same day. Subsequently, the same was allowed and the petitioners therein were directed to surrender before the trial Court and a direction was issued to the trial Court to consider the matter on the same day on merit by order dated 15.07.2021. Accordingly, the appellant and the other accused surrendered before the designated Court by filing a petition in CrI.M.P.No.254 of 2021 seeking for bail whereas, the learned Sessions Judge, granted bail to the other three petitioners and dismissed the same insofar as the appellant is concerned. He would submit that the appellant is working in Army and he has not committed any offence as alleged by the prosecution and that a false case has been foisted against the appellant. Hence, he prays that the petition may be allowed.

4. The learned Government Advocate (CrI. Side) would submit that the appellant is arrayed as A1. The appellant had fell in love with the defacto complainant and had promised to



marry her. Subsequently, when she insisted the appellant to marry her, he along with the other accused humiliated her with her caste name and also abused her and thereby, cheated the defacto complainant and spoiled her entire life. He would submit that though the other accused were granted bail, the appellant is the prime accused in this case and there is a specific overt-act against the appellant and thereby, the learned Sessions Judge has rightly dismissed the petition. Further, the investigation is at the preliminary state and if the appellant is released on bail at this stage, there is every possibility of the appellant tampering the witnesses which would affect the course of investigation. Hence, he prays for the dismissal of the appeal.

5. Heard the learned Counsel for the appellant and the learned Government Advocate (Cr1. Side) appearing for the respondent police and perused the materials on record.

6. Perusal of record shows that the appellant has been arrayed as A1 in this case. Considering the serious nature of offence and the stage of investigation and that there is a specific overt-act against the appellant, this Court is not inclined to grant bail to the appellant. Accordingly, the Criminal Appeals is dismissed.

Sd/-

Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

ksa-2

To

1. The Sessions Judge,
Special Court for Trial of Cases under SC/ST Act,
Vellore,

2. The Inspector of Police
All Women Police Station
Ranipet District



3. The Deputy Superintendent of Police,
Ranipet TK, Vellure District.

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

Criminal Appeal No.388 of 2021

SPD(CO)

B.VC (21/09/2021)