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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL APPEAL NO.407 OF 2021

Raja P

... Appellant/Accused

..Vs..

1. The Deputy Superintendent of Police,
Kallakurichi Sub-Division,
Kallakurichi,
Kallakurichi District.

2. State rep.by
The Inspector of Police,
Kallakurichi AWPS,
Kallakurichi District,
Crime No.15 of 2021.

3. T.Gayathri

... Respondents

PRAYER:- Criminal Appeal filed under Section 14 A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 to set aside the order dated 12.08.2021 made in C.M.P.No.1276 of 2021 on the file of the Sessions Judge, Special Court for Exclusive trial of Cases under SC/ST (POA) Act, Villupuram and to enlarge the appellant on bail in Crime No.15 of 2021 pending investigation on the file of the respondent police.

For Appellant : Mr.M.Manimaran
For Mr.K.Vijayaragavan

For Respondents : Mr.S.Sugendran
Government Advocate (Crl.Side)
For R1 and R2

J U D G M E N T

This Criminal Appeal has been filed against the order dated 12.08.2021 passed in C.M.P.No.1276 of 2021 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Villupuram.



2. The respondent police registered a case in Crime No.15 of 2021 against the appellant for the offence under Sections 417, 376 IPC r/w 3(1)(r), 3(1)(s), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and he was surrendered before the respondent police on 19.07.2021. Subsequently, the appellant filed a petition under Section 439 Cr.P.C for grant of bail in CrI.M.P.No.1276 of 2021, which was dismissed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Villupuram on 12.08.2021. Hence, the present appeal.

3. The learned counsel for the appellant would submit that the families of the appellant and the de facto complainant are known to each other for a long time and due to this nature, the de facto complainant used to borrow money from the appellant and he used to transfer the money through Bank for the past two years, which amounted to Rs.3,00,000/-. When the appellant asked the de facto complainant to return the money, she lodged a false complaint against the appellant. He would further submit that originally in the complaint, the de facto complainant has not stated anything about sexual harassment, subsequently, she concocted a story that she was sexually harassed by the appellant from 16.06.2015 and registered the F.I.R. The appellant is working in Army and it is not possible to come to his native as and when required to fulfill his wishes. Therefore, the allegations levelled against the appellant are false in nature and hence, he prays for grant of bail to the appellant.

4. The learned Government Advocate (CrI.Side) for the respondent would submit that originally, the appellant filed a petition in CrI.O.P.No.11343 of 2021 before this Court. By order dated 02.07.2021, this Court directed the respondent police to complete the enquiry within a period of four weeks and in the enquiry, if a prima facie case is made out, neither the FIR be registered nor the petition be closed. Subsequently, the appellant filed CrI.M.P.No.1276 of 2021 under Section 439 Cr.P.C. After perusal of the entire records, the learned Magistrate found that the nature of the offence is grave in nature and dismissed the petition. He would further submit that the investigation has been completed and charge sheet has been filed and the case is pending for trial and hence, he strongly objects to grant of bail to the appellant.

5. Admittedly, the case in Crime No.15 of 2021 was registered against the appellant and five others for the offence under Sections 417, 376 IPC r/w 3(1)(r), 3(1)(s), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant was arrayed as A1. The appellant had sexual intercourse with the de facto complainant, by way of giving false promise of marrying her. However, the appellant



failed to marry her by indicating her caste name and hence, she preferred the complaint. Further, the investigation has been completed and charge sheet has also been filed and if the appellant is released on bail, there is a possibility of tampering the witnesses and trial would be protracted.

6. In view of the above, this Court is not inclined to allow the appeal. Accordingly, this Criminal Appeal is dismissed. Since the investigation has been completed and charge sheet has also been filed, the designated Court is directed to take the charge sheet on file, if it is otherwise in order and proceed with the trial and complete the trial within a period of four months from today.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Special Court for Exclusive
Trial of Cases under SC/ST (POA) Act,
Villupuram.
2. The Officer Incharge,
Sub Jail, Ulundurpet.
3. The Deputy Superintendent of Police,
Kallakurichi Sub-Division,
Kallakurichi,
Kallakurichi District.
4. The Inspector of Police,
Kallakurichi AWPS,
Kallakurichi District,
5. The Public Prosecutor,
High Court, Madras.

CRL.A.NO.407 OF 2021

BS(CO)
PBS/15/09/2021