



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Appeal No.401 of 2021

Sornappan

...Appellant

Versus

1. The Deputy Superintendent of Police,  
Tiruvannamalai,  
Tiruvannamalai District.

2. State by Inspector of Police,  
All Women Police Station,  
Thiruvannamalai Taluk,  
Thiruvannamalai District,  
Crime No.24 of 2019.

3.Sneaka

...Respondents

Criminal Appeal filed under Section 14 A(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1/2016 to call for the records pertaining to the bail dismissal order passed by the learned Special Court Judge for exclusive Trial of Cases under POSCO Act Cases, Thiruvannamalai in Crl.M.P.No.660 of 2021 dated 13.07.2021 and set aside the same and to enlarge the petitioner on bail.

For Appellant : No appearance

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 13.07.2021 passed in Crl.M.P.No.660 of 2021 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act Cases, Tiruvannamalai.

2.The respondent police registered a case in Crime No.24 of 2019 against the appellant/accused for the offence under Sections 9, 11, 10 of Prohibition of Child Marriage Act 2006 and 3(2) (va) SC/ST (POA) Amendment Act, 2015 and Sections 376(2),



(n), 366, 109 IPC and Section 14(b) of Foreigners Act. After investigation, the respondent police filed charge sheet before the designated Court and the same was taken on file in Spl.S.C.No.60 of 2020. The accused absconded for two years and subsequently, he was arrested and remanded to judicial custody on 01.07.2021. Thereafter, the appellant filed a petition under Section 439 Cr.P.C in Cr.M.P.No.660 of 2021 before the designated Court, which was dismissed on 13.07.2021. Challenging the said order the appellant is before this Court.

3. There is no representation for the appellant.

4. Heard the learned Government Advocate (Crl.Side) for the respondents 1 and 2 and perused the materials available on record.

5. The learned Government Advocate (Crl.Side) for the respondents 1 and 2 would submit that there is a specific overt act against the appellant and charges were framed against the appellant and the case is pending for trial. He would further submit that the appellant absconded for two years and subsequently, he was arrested and remanded to judicial custody only on 01.07.2021. If the appellant is released on bail, there is a possibility of tampering the witnesses and trial would be protracted. Therefore, he strongly objected to grant bail to the appellant.

6. In the light of the above facts and circumstances and considering the serious nature of offence and also the attitude of the appellant, this Court is of the opinion that if the appellant is released on bail, he may tamper the witnesses and hamper the progress of the investigation and also protract the trial. Hence, this Court is not inclined to entertain this appeal. Accordingly, this Criminal Appeal is dismissed. However, the Special Court for Exclusive Trial of Cases under POSCO Act Cases, Thiruvannamalai is directed to proceed with the trial and dispose of the case within a period of four months from today.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms



1. The Sessions Judge,  
Special Court for exclusive Trial of Cases  
under POSCO Act Cases,  
Thiruvannamalai.

5. The Public Prosecutor,  
High Court, Madras.

BS (CO)  
LS (14/09/2021)