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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL APPEAL NO.472 OF 2021

Udhayakumar

... Appellant

Versus

1. The State represented by,
Inspector of Police,
Ranipet, AWPS
Crime No.11/2021.

2. M.Malathi

... Respondents

Criminal Appeal filed under Section 14 A (2) of the SC/ST (Prevention of Atrocities) Act, 1989 as amended by Act 1/2016 to call for the records pertaining to the order dated 28.09.2021 in Cr.M.P.No.296/2021 on the file of the Learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA), Act, Vellore and to set aside the same and consequently enlarge the appellant on bail in Crime No.11/2021 on the file of the Inspector of Police, All Women Police Station, Ranipet District.

For Appellant : Mr.Hari Radhakrishnan

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)
for R1

J U D G M E N T

This Criminal Appeal has been filed against order dated 28.09.2021 in Cr.M.P.No.296 of 2021 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA), Act, Vellore.

2.The case of the prosecution as per the defacto complainant/2nd respondent herein is that the appellant on the promise of marrying her had sexual intercourse with her several times. Thereafter, when she insisted the appellant to marry her, the appellant along with the other accused abused her by uttering her caste name and thereby, cheated the de facto complainant and spoiled her entire life. Hence, the de facto



complainant filed a complaint against the appellant.

3.The respondent police registered a case in Crime No.11 of 2021 initially for the offence punishable under Sections 417 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 and he is in custody from 10.08.2021. 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 bail. By an order dated 10.08.2021, the Designated Court granted bail in favour other accused and dismissed as against the appellant herein. Aggrieved over the same, the appellant preferred an appeal in CrI.A.No.388 of 2021 before this Court and the same was dismissed on 25.08.2021. Thereafter, the appellant filed CrI.M.P.No.296 of 2021 before the Designated Court seeking bail and the same was dismissed on 28.09.2021. Challenging the said order, the appellant has come forward with the present appeal.

4. Heard the learned counsel for the appellant and the learned Government Advocate (CrI.Side) for the respondent and also perused the materials available on record.

5. It is seen from the records and the submissions made by the learned counsel on either side, this Court finds that the appellant is a prime accused and there is specific overt act attributed against him and investigation is pending and charge sheet not yet filed. This Court has already dismissed the earlier appeal in CrI.A.No.388 of 2021 on 25.08.2021 and there is no change of circumstances in the present appeal.

6..Considering the serious nature of the offence, this Court does not find any perversity in the order passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA), Act, Vellore. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA), Act,
Vellore.
2. The Superintendent,
Central Prison, Vellore.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Ranipet All Women Police Station,
Vellore.

Crl.A.No.472 of 2021

GPL(CO)
PM/29/10/2021