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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRL.A.No.500 of 2021

Duraisamy

....Appellant

.Vs.

1. State Rep.by  
The Inspector of Police,  
Mecheri Police Station,  
Salem District,  
Crime No.484 of 2021.

2. Ravichandran

..Respondents

Criminal Appeal filed under Section 14(A)(2) of SC & ST of Prevention of Atrocities Act r/w 374(2) Cr.P.C to set aside the order passed in Crl.M.P.No.3571 of 2021 dated 28.09.2021 passed by the Principal Sessions Judge, Salem.

For Appellant : Mr.B.Gopalakrishnan  
for Mr.B.Kumarasamy

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

#### J U D G M E N T

This Criminal Appeal has been filed against the order dated 28.09.2021 in Crl.M.P.No.3571 of 2021 by the learned Principal Sessions Judge, Salem.

2.The second respondent/de facto complainant filed a complaint against the accused/appellant before the first respondent/police. Subsequently, they have registered a case in Crime No.484 of 2021 against the appellant for the offence punishable under Sections 354(A) IPC r/w 3(ii) (v) (a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [hereinafter referred to as 'SC/ST Act' for the sake of convenience] and he was arrested and remanded to judicial custody on 01.09.2021. During the pendency of the investigation, the appellant/accused filed a petition by invoking Section 439 Cr.P.C before the learned Principal Sessions Judge, Salem



seeking bail. After hearing the arguments, the Designated Court by an order dated 28.09.2021 dismissed the petition. Hence, the present Criminal Appeal.

3.The learned counsel for the appellant would submit that a false case has been foisted against the appellant and he is in no way connected with the alleged offence. The appellant is in judicial custody for more than 50 days. Therefore, he prays to grant bail to the appellant.

4.The learned Government Advocate (Crl.Side) for the first respondent would submit that the investigation has been completed and the respondent police filed a charge sheet before the Designated Court and the same was taken on file in Spl.S.C.No.28 of 2021. He would further submit that the case is coming up for next hearing on 30.11.2021 for further proceedings. He would further submit that if the appellant is released on bail there is a possibility of tampering the witnesses and trial would be protracted and hence, he strongly objects to grant of bail to the appellant.

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

6.Considering the fact that the victim is a woman and the allegations levelled against the appellant for the offence under Sections 354(A) and 3(ii) (v) (a) of SC/ST (POA) Act are serious in nature, this Court is of the view that if the appellant is released on bail there is a possibility of tampering the witnesses and destroy the material evidence.

7.In the view of the above, this Court is not inclined to grant bail to the appellant. Accordingly, this Criminal Appeal is dismissed.

8.The learned Principal Sessions Judge, Salem, is directed to dispose of the case in Spl.S.C.No.28 of 2021 within a period of three months from the date of receipt of a copy of this order.

Sd/-  
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ms



To

1. The Principal Sessions Judge,  
Salem.

2. The Superintendent,  
Central Prison, Salem.

3. The Inspector of Police,  
Mecheri Police Station,  
Salem District.

4. The Public Prosecutor,  
High Court, Madras.

+1cc to M/s.B.Kumarasamy, Advocate, S.R.No.55981

CRL.A.No.500 of 2021

VSN-II (CO)  
RGA(15/11/2021)