



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.01.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.18 of 2021

Muneeshwaran .. Appellant/Petitioner/3rd Accused

Vs.

- 1.The State rep. by
The Deputy Superintendent of Police,
Paramakudi,
Ramnad District. ... 1st Respondent/3rd Party/
investigation Officer
2. The State Rep. by
The Inspector of Police
All Women Police Station,
Paramakudi, Ramnad District.
Crime No.27/2020 ... 2nd Respondent/Respondent/Complainant
- 3.Anusiya ... 3rd Respondents/Victim/Complainant

Prayer : This criminal appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, Amended by Act, 1/2016, to call for the entire records relating to the impugned order dated 31.12.2020 made in Cr.M.P.No.1288 of 2020 on the file of the Sessions Judge (Fast Track Mahila Court), Ramanathapuram and to set aside the same and consequently, to release the appellant on bail in connection with F.I.R. in Crime No.27 of 2020 on the file of the second respondent.

For Appellant : Mr.M.S.Jeyakarthik

For Respondents : Mr.Bharathi Kannan
Government Advocate
for R1 and R2

: No appearance for R3

JUDGMENT

This appeal has been filed to set aside the order, dated 31.12.2020 made in Cr.M.P.No.1288 of 2020 on the file of the Sessions Judge (Fast Track Mahila Court), Ramanathapuram and to enlarge the appellant on bail.



2.The case against the appellant is that he took the victim girl in his Auto and then raped the victim and exposed her to prostitution. A case in Crime No.27 of 2020, under Sections 344, 366(A), 376 (D) of I.P.C. and Sections 5(g), 5(i), 5(1), 6,16, 17 of POCSO Act and Section 3(2)(Va), 3(1)(w) SC/ST Act, 2015, was registered against the appellant and others. The appellant filed a petition for bail in Cr.M.P.No.1288 of 2020, before the Sessions Court, Fast Track Mahila Court, Ramanathapuram. That petition was dismissed by the Sessions Judge. Against the same, the appellant preferred this Criminal Appeal.

3.Though notice to the complainant was served, name printed, none appears for the complainant.

4.On the side of the appellant, it is stated that totally four persons involved in the offence. The victim is aged about 17 years. A4 was already released on bail by the Jevenile Court. A2 is having two shops at the bus stand. The appellant herein is only A3. The victim girl is exploited only by A1 and A2. Already 164 statement of the victim was recorded by the Magistrate. In the 164 statement, there is no allegation against the appellant. The appellant is in custody for the past 75 days and prayed the appellant to be released on bail.

5.On the side of the respondents 1 and 2, it is stated that A2 and A3 are still in custody. The victim girl is only 17 years old and she is living with her step mother. On 13.10.2020, after quarrelling with her step mother, the victim girl was standing in the bus stand, and that she was taken away by the appellant herein in his Auto and the victim girl was subjected to prostitution for 25 days, afterwards, she escaped from the place and has lodged this complaint.

6.It is seen that the offence is serious in nature. Kidnapping a girl for commission of prostitution is a crime against the Society. A4 was released on bail, since he is a Juvenile. Investigation is still pending. Co-accused A2 and A3 are still in custody. There is no sufficient reason to release the appellant on bail. Hence, this Court is not inclined to allow the appeal. The Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Sessions Judge
(Fast Track Mahila Court),
Ramanathapuram
2. The Deputy Superintendent of Police,
Paramakudi Sub Division,
Ramnad District.
3. The Inspector of Police
All Women Police Station,
Paramakudi,
Ramnad District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Officer Incharge, District Prison,
Ramanathapuram.

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ES (CO)
TR(12.03.2021) 3P 6C