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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

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THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.A.NO.154 OF 2022

Jaikrishnan

.. Appellant

Vs.

1. The Deputy Superintendent of Police,
Pennagaram,
Dharmapuri District.

2. State rep. By
Inspector of Police,
All Women Police Station - Pennagaram,
Dharmapuri District.
(Crime No.4 of 2021)

.. Respondents/Complainants

3. Muniyammal

.. Respondent/Defacto complainant

Criminal Appeal filed under Sections 14(A) (2) of SC & ST of Prevention of Atrocities Act, to set aside the order passed by the learned Fast Track Mahila Court, Dharmapuri in Crl.M.P.No.15 of 2022 dated 31.01.2022 and enlarge the appellant on bail in Spl.S.C.No.28 of 2021 on the file of the learned Fast Track Mahila Court, Dharmapuri.

For Appellant : Mr.V.Sakkarapani

For Respondents
R1 and R2

Mr.Leonard Arul Joseph Sevam
Government Advocate (Crl.Side)

R3 : No appearance.

JUDGEMENT

Being dissatisfied with the order dated 31.01.2022, made in CMP No.15 of 2022 on the file of the learned Fast Track Mahila Court, Dharmapuri, the petitioner therein, who is the accused in



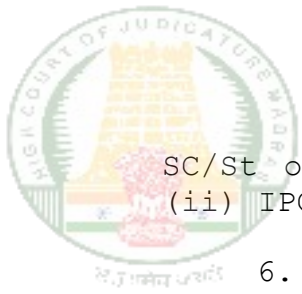
Crime No.4 of 2021 on the file of the All Women Police Station, Pennagram, preferred this appeal praying to set aside the order dated 31.01.2022 and to enlarge him on bail.

2. The case of the prosecution is that on 30.01.2021 at about 21.00 hours, the defacto complainant in this case, lodged a complaint stating that while at the time her elder daughter went to graze the cattle and her younger daughter was with the defacto complainant doing small helps for her, on 26.01.2021 at about 11.00am, the defacto complainant sent her younger daughter downstairs to switch off the motor, even after a long time, she did not come back, so the defacto complainant went in search of her younger daughter and found her in the cow shed with the appellant, immediately after seeing the defacto complainant the appellant left the place and later, on enquiry, the victim girl told the defacto complainant that the appellant had misbehaved with her. Hence, the complaint has been registered against the appellant for the aforesaid occurrence by the respondent police for the offence, under Sections 3 and 4 of Protection of Child from Sexual Offences Act, 2012, 3(1)(w)(i), 3(2)(v), 3(2)(va) SC/St of Prevention of Atrocities Act, 1989 and 376(2)(f), 506 (ii) IPC in Crime No.4 of 2021.

3. The learned counsel appearing for the appellant would submit that the appellant is an innocent person and he is no way connected with this case. He would further submit that due to previous enmity, the defacto complainant lodged a false complaint against the appellant. Further, the appellant is ready and willing to abide by any condition that may be imposed on him by this Court. According to the learned counsel, the appellant is in the judicial custody from 31.01.2021 onwards. Hence, he prays for allowing this appeal and for enlarging the appellant on bail

4. Per contra, Mr.Leonard Arul Joseph Selvam, the learned Government Advocate (Crl. Side) appearing for the respondent police raised objections stating that investigation is pending. He would further submit that during the relevant point of time, the appellant, aged 61 years misbehaved with the victim child, who is aged about 12 years. Therefore, if these type of persons are granted with bail, they would try to tamper the evidence and hamper the investigation. Accordingly, he prayed for dismissal of this appeal.

5. The submissions made by the learned counsel appearing on either side are considered. The respondent police has registered a case as against the appellant herein for the offence punishable under Sections 3 and 4 of Protection of Child from Sexual Offences Act, 2012, 3(1)(w)(i), 3(2)(v), 3(2)(va)



SC/St of Prevention of Atrocities Act, 1989 and 376(2)(f), 506
(ii) IPC in Crime No.4 of 2021.

6. Admittedly, at the relevant point of time, the victim child is aged about 12 years. The appellant being the neighbour of the victim child, after knowing her age, committed this offence. Therefore, if these type of persons are enlarged on bail, they would try to tamper the evidence and hamper the investigation. Accordingly, considering the gravity of the offence committed by the appellant, this Court is not inclined to enlarge him on bail and this Criminal Appeal, is dismissed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
Fast Track Mahila Court,
Dharmapuri.
2. The Superintendent of Jail,
Central Prison, Salem.
3. The Deputy Superintendent of Police,
Pennagaram,
Dharmapuri District.
4. The Inspector of Police,
All Women Police Station - Pennagaram,
Dharmapuri District
5. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Crl.A.No.154 of 2022

AJS(CO)
RLP(22/03/2022)