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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.A.No.273 of 2022

Duraisamy

...Appellant /accused

Vs.

1. State rep. by
The Deputy Superintendent of Police,
Mettur,
Salem District
...Respondents/Complainant
2. The Inspector of Police,
Mecheri Police Station,
Salem District
(crime No.484 of 2021)
3. Ravichandran
...Respondent/Defacto Complainant

PRAYER: Criminal Appeal filed under Section 14A (2) of the Scheduled Castes and Scheduled Tribes of Prevention of Atrocities Act, to set aside the order passed by the learned Principal Sessions Judge, Salem dated 09.02.2022 in CMP.No.558 of 2022 in Spl.SC.No.28 of 2021 on the file of the learned Principal District Court, Salem.

For Appellant : Mr.V.Sakkarapani

For Respondents

For R1 & 2: Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

For R3 : No appearance

JUDGMENT

Being dissatisfied with the order dated 09.02.2022, made in CMP.No.558 of 2022 on the file of the learned Principal Sessions Judge, Salem, the appellant who is arrayed as accused in Spl.SC.No.28 of 2021 preferred this appeal praying to set aside



the order dated 09.02.2022 and to enlarge him on bail.

2.The case of the prosecution is that on 01.09.2021 the defacto complainant's mother went to East Olaipatty Lake for grazing the cattle. The victim woman Bhunaveswari aged about 26 years, of the same village also went along with the defacto complainant's mother for grazing cattle. The said Bhuvanewswari is an unsound minded and mentally deranged woman. The defacto complainant and the said Bhuvanewswari are belong to Adhi Diravidar community. At about 6.00 p.m. when the defacto complainant went to East Olaipatty Lake for took back his mother, the appellant took the said Bhuvanewswari to secluded place and tried to misbehave with her. On seeing this, the defacto complainant raised alarm and thereafter, the appellant left from the place. Hence, the complaint.

3.The learned counsel appearing for the appellant would submit that the appellant is an innocent person and he has been falsely implicated in this case. He would further submit that the appellant is in judicial custody from 01.09.2021 onwards. Hence, he prays for bail to the appellant.

4.The learned Government Advocate (crl.side) appearing for the respondent police 1 & 2 has reiterated the facts of the case and submitted that the offence committed by the appellant is grave in nature. He would further submit that already this Court while at the time of passing the order in CrI.A.No.500 of 2021, after refusing to grant bail, directed the trial court to complete the trial within a period of three months. Now, today the case has been posted for both side arguments and therefore in the said circumstances, it would not be necessary to allow this appeal.

5.Submissions made by the counsel on either side are considered. After serving notice to the defacto complainant, though the name of the defacto complainant is printed in the cause list, none appeared on behalf of the respondent.

6.Now on considering the submissions made by the counsel on either side, the respondent has filed final report as against the appellant for the offence punishable under Sections 354(A) and 3(2)(va) of SC/ST (POA) Act, 1989. In otherwise, the allegation leveled against the appellant is that during the relevant point of time, in a secluded place, he tried to misbehave with the defacto complainant. Though the period of incarceration is too high, considering the situation that the case has been posted for both side arguments, enlarging the appellant on bail is not necessary at this stage.



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7. Accordingly, this criminal appeal is dismissed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The learned Principal Sessions Judge,
Salem
2. The learned Principal District Court,
Salem.
3. The Deputy Superintendent of Police,
Mettur,
Salem District
4. The Inspector of Police,
Mecheri Police Station,
Salem District.
5. The Public Prosecutor,
High Court of Madras

Crl.A.No.273 of 2022

SKM(CO)
RGA(07/04/2022)