



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.A.NO.389 OF 2022

John @ Janakiraman

... Appellant/Accused

.Vs.

The State by:

1. The Deputy Superintendent of Police,
Arakkonam,
Ranipet District.
2. The Inspector of Police,
All Women Police Station,
Arakkonam, Ranipet District.
(crime No.20 of 2021)

3. Priya

... Respondents

PRAYER:-

Criminal Appeal filed under Section 14-A(2) of the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989 praying to set aside the order passed in C.M.P.No.121 of 2022 dated 05.03.2022 on the file of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore and enlarge the appellant on bail in crime No.20 of 2021 on the file of the second respondent police.

For Appellant : Mr.C.Chokkalingam

For Respondents : Mr.Leonard Arul Joseph Selvam
1 & 2 Government Advocate
(Criminal Side)

For Respondent-3 : No appearance



JUDGMENT

Being dissatisfied with the order dated 05.03.2022 made in C.M.P.No.121 of 2022 on the file of the Sessions Judge, Vellore, the appellant, who is arrayed as A1 in connection with crime No.20 of 2021 on the file of the second respondent police, filed this appeal praying to set aside the above referred order and to enlarge him on bail.

2. The case of the prosecution is that the victim child in the alleged occurrence is aged about 13 years. During the relevant point of time, the victim child is having the habit to play with the accused and on the day of occurrence, the appellant and two others, while at the time the victim child went to attend natural call, brought her to somebody's house and committed an offence of rape. While at the time the victim child raised objection, the appellant and others assaulted her and also made threatening. Further, by using the wooden log, they attacked the victim child on her abdomen and cheek. After the occurrence, the same was informed to her father and later, on the complaint, the case has been registered and all the accused were secured and remanded to judicial custody. Afterwards, they filed application before the learned Sessions Judge, Vellore and the same has been dismissed. Therefore, the appellant is before this Court with the prayer to set aside the impugned order dated 05.03.2022 by enlarging him on bail.

3. The learned counsel appearing for the appellant would contend that the appellant is an innocent person and he has been falsely implicated in this case. He would further contend that the appellant is in the judicial custody for the past 115 days and as of now, portion of investigation has been completed and therefore, he may be released on bail.

4. On the other hand, the learned Government Advocate (crl.side) appearing for the respondent police raised objection stating that the offence committed by the appellant is heinous in nature. Though the investigation has been completed, it is not a fit case to enlarge the appellant on bail.

5. Under Section 15A of SC/ST Act, notice has been issued to the defacto complainant and after receipt of the same, none appeared on behalf of the defacto complainant.

6. Submissions made by the learned counsels appearing on either side are considered.

7. As already stated, here it is a case, the averment in the first information report as well as the statement recorded from the victim child under Section 164 of Cr.P.C. would go to



reveal the fact that while at the time of occurrence, the appellant and two other accused committed penetrative sexual assault on a girl who is aged about 13 years. More than that, the accused in this case repeatedly committed the said offence by utilising the poverty of the victim child. Therefore, the offence committed by the appellant is nothing but heinous one and therefore, considering the gravity of the offence committed by the appellant, this Court is not inclined to allow this appeal.

8. Accordingly, this criminal appeal is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

lok

To

1. The learned Special Judge for
Exclusive Trial of Cases
under POCSO Act, 2012,
Vellore.
2. The Deputy Superintendent of Police,
Arakkonam, Ranipet District.
3. The Inspector of Police,
All Women Police Station,
Arakkonam, Ranipet District.
4. The Superintendent,
Central Prison,
Vellore.
5. The Public Prosecutor,
High Court, Madras.

Copy To:-

The Section Officer,
Criminal Section,
High Court, Madras.

CRL.A.NO.389 OF 2022

SSD(CO)
PBS/10/05/2022