



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Appeal No.711 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

PRAYER: Criminal Appeal filed under Section 14A(2) of Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act read with 374(2) of Cr.P.C. to set aside the order passed by the learned Principal Sessions Judge, Salem in C.M.P.No.3571 of 2021 dated 28.09.2021 and enlarge the appellant on bail in Spl.S.C.No.28 of 2021 on the file of the learned Principal District Court, Salem.

For Appellant : Mr.V.Sakkarapani

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

O R D E R

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 brief facts of the case is that the respondent police had registered a case in Crime No.484 of 2021 for the offences under Sections 354(A) IPC read with 3(2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 on the complaint of Ravichandran. The petitioner had filed an application seeking for bail before the Special Court, Principal Sessions Judge, Salem in Crl.M.P.No.3571 of 2021 and



the Special Court by order dated 28.09.2021, had dismissed the application, against which the present appeal has been filed.

3.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. One Bhuvaneswari who is mentally deranged woman belonging to the same village had gone along with her mother to graze cattle. At that time, the petitioner/accused had taken the victim to a secluded place and attempted to misbehave with her.

4.Learned counsel for the petitioner would submit that the petitioner is innocent and the case has been falsely implicated in this case. He would further submit that earlier against the dismissal of the bail application, the petitioner had filed appeal in Crl.A.No.500 of 2021 before this Court and this Court by order dated 28.10.2021 had dismissed the appeal with a direction to the learned Principal Sessions Judge, Salem to dispose of the case within a period of three months from the date of receipt of a copy of the order. However, there is no progress and thereby, he would seek bail.

5.Mr.S.Sugendran, learned Government Advocate (crl.side) appearing for the respondent would submit that against the very same dismissal order, the petitioner had filed an appeal and this Court finding that the final report has been filed and case has been taken up for trial in Spl.S.C.No.28 of 2021, had directed the learned Principal Sessions Judge, Salem to dispose the trial within a period of three months from the date of receipt of a copy of the order. The three months period get over only on 28.01.2022. Further, the appeal has been filed against the very same dismissal order. He would further submit that there is no change of circumstances and further, the trial has been adjourned to 10.01.2022 for furnishing copies to the petitioner/accused. Learned Government Advocate would further submit that this Court finding that the allegations levelled against the petitioner are serious in nature and there is possibility of tampering of the witnesses and destroying the material evidence, had dismissed the appeal and that there is no change of circumstances.

6. Heard both sides and perused the materials available on record.



7. Taking into consideration of the fact that after the dismissal of the appeal in Crl.A.No.500 of 2021 by this Court dated 28.10.2021, there is no change of circumstances, the criminal appeal is dismissed with a direction to the learned Principal Sessions Judge, Salem to comply with the order dated 28.10.2021 passed by this Court in Crl.A.No.500 of 2021.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

vri/shk
To

1. The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.484 of 2021.)
2. The Principal Sessions Judge,
Salem.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor (Crl side),
High Court, Madras.

Crl. A. No.711 of 2021

PM[co]
NSK 11/01/2022