



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08/11/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.A(MD)No.651 of 2022

Murugantham : Appellant/Petitioner/
Sole Accused

Vs.

- 1.The Deputy Superintendent of Police,
Alangudi,
Pudukkottai District.
- 2.The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukkottai District.
(Crime No.11 of 2022) : R1 and R2/Complainants
- 3.Maniyammal : R3/De-facto Complainant

Prayer: Criminal Appeal is filed under section 14-A(2) of SC/ST Act, to set aside the order, dated 14/10/2022 made in Cr.M.P No.1435 of 2022 on the file of the Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act cases, Pudukkottai and enlarge the appellant on bail and pass such other orders.

For Appellant : Mr.Maniyarasu.K.C

For Respondents : Mr.SS.Madhavan
Government Advocate
(Crimnal side)



WEB COPY



J U D G M E N T

This Criminal Appeal has been filed seeking to set aside the order, dated 14/10/2022 made in Cr.M.P No.1435 of 2022 on the file of the Special Sessions Judge (FAC), Special Court for Trial of SC/ST Act cases, Pudukkottai and enlarge the appellant on bail.

2.The case of the prosecution in brief:-

On 27/09/2022 at about 6.30 pm, when the victim after purchasing some vegetables returned to home, at that time, a man aged about 20 years was crossing her and she asked for a lift. She was taken by the above said person, but to some other place. she made crying, she was taken to a nearby area, where she was completed dis-robed, criminally intimidated and also assaulted with knife. On hearing her noise, two neighbours gathered. On seeing the above said neighbours, the accused person ran away from that place. On the basis of the above said occurrence, a case has been registered in Crime No.11 of 2022 for the offences under sections 294(b), 324, 506(ii), 376(1), 511 of IPC and section 3(1)W(i) of



Atrocities) Act, 1989.

appeal has been preferred.

in a prison to appear.



5. According to the appellant, even as per the FIR, there is no specific allegation against this appellant and only some unknown persons stated to have committed the crime; Before registration of the FIR, the identity of the community, which the victim girl belongs was not verified. Without verifying the same, FIR has been registered under the provisions of the Special Act. In support of his contention, he relied upon the judgment of the Supreme Court in the case of **Patan Jamal Vali Vs. State of Andhra Pradesh (AIR 2021 SUPREME COURT 2190)**.

6. Whether the victim girl belongs to Schedule Caste community or not is a matter for investigation. On perusal of the CD file shows that no particulars has been gathered with regard to the community of the victim girl. Now whatever, it may be, even though the learned counsel appearing for the appellant is right on his submission that as on date, no Special Act will attract and no document has been produced, the manner in which the above said offence said to have been taken place dis-entitle the appellant from claiming bail. If he is released on bail, there is every likelihood of tempering the investigation.

7. Even though, it is submitted that the appellant



now is aged about 24 years and undergoing college education, perusal of the FIR shows that several multiple injuries were found on the body of the victim. So, I find no reason to allow the criminal appeal and accordingly, it is liable to be dismissed.

8. In the result, this Criminal Appeal fails and the same is **dismissed**.

08/11/2022

Index:Yes/No
Internet:Yes/No
er

To,

1. The Special Sessions Judge (FAC),
Special Court for Trial of SC/ST
Act cases, Pudukkottai.
2. The Deputy Superintendent of Police,
Alangudi,
Pudukkottai District.
3. The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



6

G. ILANGO VAN, J

er

Cr1.A(MD)No.651 of 2022

08.11.2022