



Crl.A.No.708 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.A.No.708 of 2023

Baskaran @ Bagudu Baskaran

... Appellant

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.
2. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Ranipet District.
3. State Rep. by
Inspector of Police,
All Women Police Station,
Ranipet District.

4. Amutha
(Crime No.7/2022)

... Respondent

Prayer : Criminal Appeal filed under Section 14 (a) of the SC/ST Act, to set aside the order dated 13.04.2023 passed in Crl.M.P.No.502 of 2023 in Spl.S.C.No.38 of 2023 by the learned Special Judge for Exclusive trial of cases under POCSO Act, 2012, Vellore and to enlarge the petitioner on bail in Crime No.7 of 2022 on the file of the respondent Police.



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For Appellant : Mr.D.Thirumoorthy
For Respondents : Mr.R.Vinothraja,
1 to 3 Government Advocate (Crl. side)

JUDGMENT

Challenging the orders dated 13.04.2023 passed in Crl.M.P.No.502 of 2023 in Spl.S.C.No.38 of 2023 by the learned Special Judge for Exclusive trial of cases under POCSO Act, 2012, Vellore, the present Criminal Appeal is filed by the appellant.

2. The appellant is the first accused in Spl.S.C.No.38 of 2023 and has been charged for the offences punishable under Sections 450, 354 (B), 354 (c), 307, 376 (2)(n), 506(ii), 109 of I.P.C., 5(1), 5(r), 6(1), 17, 11(5), 12, 14(2) of POCSO Act, 2012 and Sections 3(1)(r), 3(1)(s), w(1)(2) r/w. 3(2)(v) of SC/ST (POA) Act. So far the prosecution has examined 25 witnesses. The case is posted on 17.08.2023 for the examination of the remaining witnesses.

3. Mr.D.Thirumoorthy, learned counsel for the appellant



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contended that the allegations made against the appellant are false and that he should be enlarged on bail.

4.The learned trial Court Judge in her order had observed thus:

“On perusal of the entire case records, it is seen that the petitioner/accused belongs to Vanniyar community and the victim child and her mother belongs to Scheduled Caste (SC). It has been alleged that the petitioner/accused during night hours criminally trespassed into the house of the victim, at the knife point made the victim child and her mother in nude, brutally committed penetrative sexual assault on the victim child and also committed rape on her mother, he took nude photographs and threatened the victims, thereby exploited them sexually. Further, wife of the petitioner/accused has also locked/bolted the door of the victim child and stood outside so as to facilitate him to commit the above said offences at the time of occurrence. In the statements under section 164 of Cr.P.C. the victim child and her mother both of them made serious allegations against the petitioner/accused. Taking into consideration of the above and facts and circumstances of this case, nature, gravity of the offence and reply of the prosecution and the defacto



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5. The offence thus charged against the present appellant / accused appears to be serious in nature and the witnesses have also deposed with regard to the offence committed by the appellant. In the circumstance, I do not see any reason to enlarge the appellant on bail. Accordingly, the present Criminal Appeal is dismissed.

10.08.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

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1. Special Judge for Exclusive trial
of cases under POCSO Act, 2012
Vellore.
2. The superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.
3. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Ranipet District.
4. The Inspector of Police,
All Women Police Station,
Ranipet District.
5. The Section Officer,
Criminal Section,
Madras High Court, Chennai.

R. HEMALATHA, J.



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