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CrI.A.No.782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CrI.A.No.782 of 2023

Ravikumar @ Kumar

...Appellant

vs.

1. The Deputy Superintendent of Police
Villupuram District, Villupuram

2. The Inspector of Police
All Women Police Station
Villupuram (Crime No.59 of 2023

3. Poongavanam

...Respondents

PRAYER: Criminal Appeal filed under Section 14(A) (2) SC/ST Prevention of Atrocities Act 1989 against the order dated 14.07.2023 made in CrI.M.P. No.1406 of 2023 on the file of the Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram, and to enlarge the appellant on bail in connection with Crime No.59 of 2023 on the file of the 2nd respondent police.

For Appellant : Mr. M.Guruprasad

For R1 & R2 : Mr.S. Sugendran
Additional Public Prosecutor



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J U D G M E N T

Challenging the orders dated 14.07.2023 passed by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram, in Crl.M.P. No.1406 of 2023 and to enlarge the present appellant on bail, the present Criminal Appeal is filed.

2. The appellant is the 1st accused in Crime No.59 of 2023 for the alleged offences punishable under Sections 451, 294(b), 147, 354A, 355, 506(1) IPC, 8 of Protection of Child from Sexual Offences Act, 2012 and 3(1)(w)(i) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

3. The case of the prosecution is that the defacto complainant is working as a night watchman and his wife is working in Kuwait. The defacto complainant used to leave her daughter in his house situate at Kulathumettu street, Veerangipuram, Kandachipuram Taluk. On 05.06.2023, at about 12 midnight, the accused trespassed into the house of the defacto complainant and sexually assaulted her daughter, who was then minor. The defacto complainant was informed about the same the



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next day morning by her daughter and when he was about to leave home for lodging a complaint with the police against the accused, the relatives of the accused came down to his home, assaulted him and his daughter with broom stick and chappals. They also threatened them with dire consequences. The defacto complainant, thereafter, lodged a complaint with the Inspector of Police, All Women Police Station, Villupuram, who registered an FIR in Crime No. 59 of 2023 against the present appellant and four others for the alleged offences punishable under Sections as stated above.

4. The present appellant (A1) filed a petition in Crl.M.P. No.1406 of 2023 before the Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram, under Section 439 Cr.P.C to enlarge him on bail. The learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram, after considering the rival submissions dismissed the petition on the ground that the investigation is in nascent stage and that the victim belongs to Scheduled Caste community.



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5. Aggrieved over the said orders passed by the trial court judge,

the present Criminal Appeal is filed.

6. The learned counsel for the appellant contended that a false case has been foisted against the accused for a money dispute between the defacto complainant and the accused and that the present appellant is in judicial custody for more than 40 days. He further submitted that the substantial part of investigation has been completed by the respondent police and that the appellant undertakes to abide by any condition that may be imposed by this Court.

7. It is represented by Mr.S. Sugendran, learned Additional Public Prosecutor, on instructions, that request for recording 164 Cr.P.C. statement of the victim girl has been given to the concerned court by the police and that investigation is still pending.

8. The age of the victim girl is 17 years and the age of the accused is 35 years. Though it is contended that there was a money transaction between the accused and the defacto complaint, the same has not been substantiated. The investigation is still pending. Considering the



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seriousness of the offence, this Court is not inclined to grant bail to the accused.

9. In the result

- i. the Criminal appeal is dismissed.
- ii. The orders dated 14.07.2023 passed by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram, in CrI.M.P. No.1406 of 2023 is confirmed.

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bga

Index : yes/no

Speaking /Non speaking Order

To

1. The Deputy Superintendent of Police
Villupuram District, Villupuram
2. The Inspector of Police
All Women Police Station
Villupuram (Crime No.59 of 2023)
3. The Sessions Judge, Special Court for exclusive trial of cases under
POCSO Act, Villupuram.
4. The Additional Public Prosecutor, High Court, Madras.

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R.HEMALATHA, J.

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