



Crl. A.(MD)No.198 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 29.03.2023

Delivered on : 31.03.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.198 of 2023

Ramesh

... Appellant/
Petitioner/
Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.

2.State represented by
The Inspector of Police,
Ammayanaickanur Police Station,
Nilakottai Taluk,
Dindigul District.
(Crime No.273 of 2022)

3.Chittu

... Respondent/
Respondent/
Complainant

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015, to call for the records and set aside the order passed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul dated 03.02.2023 made in



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Cr.M.P.No.216 of 2023 and enlarge the appellant on bail, by allowing this appeal.

For Appellant : Mr.M.Palani
For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl. Side)
For R3 : Mr.P.Gokulnath
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Cr.M.P.No. 216 of 2023 dated 03.02.2023 and enlarge the appellant on bail.

2. The case of the prosecution is that the appellant/sole accused by giving a false promise to marry the victim girl had committed penetrative sexual assault against the victim girl and that on the basis of the complaint given by the third respondent/victim girl's mother, FIR came to be registered in Crime No.273 of 2022 for the offences under Section 294(b) IPC, Sections 5(l), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012 and Sections 3(l)(r), 3(l)(s), 3(2)(va) and 3(l)(w)(i) of SC/ST (Prevention of Atrocities) Act, 1989.



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3. The learned counsel appearing for the appellant would submit that the appellant and the victim girl are belonging to the same area and both of them loved each other and developed their relationship for the past 1 year, that the appellant has not committed any offence as alleged and that a false case was foisted against him.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the victim girl in her statement given under Section 164 Cr.P.C. has specifically stated that the appellant had committed penetrative sexual assault and that the victim girl was born on 12.06.2005 and she was only 17 years at the time of the alleged occurrence. He would further submit that the respondent police, after completing the investigation, has already filed the final report and the case was taken on file in Spl.S.C.No.17 of 2023 and the same is pending on the file of the Fast Track Mahila Court, Dindigul.

5. The learned counsel appearing for the third respondent would submit that the appellant by giving false promise to marry the victim girl had committed penetrative sexual assault on her several times and that when the same was enquired by the third respondent, the appellant had abused her in



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filthy language using caste name and that the appellant had refused to marry the victim girl.

6. Considering the nature and seriousness of the offence alleged and also taking note of the statement of the victim girl recorded under Section 164 Cr.P.C. and the period of incarceration, this Court is not inclined to release the appellant on bail at this point of time. Accordingly, this Criminal Appeal is dismissed.

31.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm

To

- 1.The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.
- 2.The Inspector of Police,
Ammayanaickanur Police Station,
Nilakottai Taluk,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csn

Pre-delivery order made in
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Dated : 31.03.2023