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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/01/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.A(MD)No.877 of 2022

Junith Ahamed : Appellant/A4

Vs.

1.State through
The Deputy Superintendent of Police,
Special Investigation Division,
CBCID,
Madurai.

2.State represented through
The Inspector of Police,
Virudhunagar CBCID,
Virudhunagar.
(In Crime No.01 of 2022)

3.Pushpalatha : Respondents

Prayer:- This Criminal Appeal has been filed under section 14(A) (2) of SC/ST (Amendment Act) of 2014, to call for the records pertaining to the order passed by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Virudhunagar at Srivilliputtur, in Cr.M.P No.2122 of 2022, dated 02/12/2022 and to set aside the same and to enlarge the appellant on bail, in Crime No.1 of 2022 on the file of the 2nd respondent and pass appropriate orders.



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For Appellant : Mr.S.M.A.Jinnah
For R1 and R2 : Mr.B.Nambiselvan
Additional Public Prosecutor
For 2nd Respondent : Mr.R.Ramanujam
(Legal Aid Counsel)

J U D G M E N T

This Criminal Appeal has been preferred against the order passed by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Virudhunagar at Srivilliputtur in Cr.M.P No.2122 of 2022, dated 02/12/2022 and to enlarge the appellant on bail, in Crime No.1 of 2022 on the file of the 2nd respondent.

2.The case of the prosecution in brief:-

The de-facto complainant is residing along with her mother in Virudhunagar. She belongs to Scheduled Caste community. After being employed as a Garments Helper, she stopped going to work. She used to board the Van of the Garments Factor near Devar Status. While so, on 20/08/2021, one Hariharan, who is arrayed as A1 proposed his love. After a couple of days, they started speaking frequently over phone and after about 10 days,



at about 06.30 pm, A1 picked her near Virudhunagar Government Hospital and took her to his Medical Godown and on the false promise of marriage, he had sexual intercourse with her, for which, the other accused were helped him. On the basis of the complaint given by the de-facto complainant, the case was registered against the accused persons for the offences punishable under sections 120(B), 201, 366, 376(2)(n), 376D, 417, 450 and 506(i) IPC r/w 66E, 67 and 67A of Information Technology (Amendment) Act and section 3(1)(w)(i), 3(1)(w)(ii), 3(1)(r)(s), 3(2)(v) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

3.Now the petitioner was arrested and remanded to judicial custody, on 21/03/2022 and ever-since, he is in custody. Seeking bail, he moved CrI.MP(MD)No.2122 of 2022 before the Special Court and that came to be dismissed, on 02/12/2022 considering the gravity of the offence. Challenging the above said dismissal order, this criminal appeal has been preferred.

4.The learned counsel appearing for the appellant/A4 would submit that even as per the allegation



made by the prosecution, the appellant is not directly involved in the commission of crime and he alleged to have taken the food pockets to the co-accused to the place of occurrence and except that, no other allegation has been made against this appellant. On that ground, he is entitled for bail pending trial process.

5.Heard the learned Additional Public Prosecutor appearing for the respondents 1 and 2/State. On behalf of the third respondent, a Legal Aid counsel was appointed and he has also made his submission.

6.Reading of the evidence of PW1, who is the victim girl will show that she has given a clear picture about the involvement of each of the accused persons. When the trial is in progress, without any basic ground, bail application has been moved before the trial court stating that he is not involved in the above said occurrence.

7.Further, reading of the evidence of the victim girl is sufficient enough to deny the bail. If the appellant is released on bail, there is every likelihood



of tampering the further evidence and also the hampering of the trial process. The offence of such nature dis entitles the appellant from claiming the relief of bail.

8.So, I find no reason to enlarge the appellant on bail pending trial process.

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

19/01/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Special Court for Trial of
SC/ST(POA) Cases, Virudhunagar District
@ Srivilliputtur.
- 2.The Deputy Superintendent of Police,
Special Investigation Division,
CBCID,
Madurai.
- 3.The Inspector of Police,
Virudhunagar CBCID,
Virudhunagar.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Cr1.A(MD)No.877 of 2022

19/01/2023



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