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CrI.A.No.305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.305 of 2024

V.Singaravelu
S/o.Vadivel Thevar

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Vedaranyam.

2.The Inspector of Police,
All Women Police Station,
Vedaranyam.

3.Lalitha

... Respondents

Prayer: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, to set aside the order passed in CrI.M.P.No.2760 of 2023 on the file of the District and Sessions Judge, Nagapattinam and enlarge the appellant on bail in Crime No.13 of 2023 on the file of All Women Police Station, Vedaranyam.

For Appellant

: Mr.C.S.S.Pillai
for Mr.H.Maruthiraj



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For Respondents-1 & 2 : Mr.S.Raja Kumar
Additional Public Prosecutor

For Respondent-3 : Ms.R.Rebecca Vasanthini Percy
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Crl.M.P.No.2760 of 2023 on the file of the learned District and Sessions Judge, Nagapattinam and enlarge the appellant on bail in Crime No.13 of 2023 on the file of All Women Police Station, Vedaranyam.

2.The petitioner, who arrayed as an accused in Crime No.13 of 2023 for offence under Sections 376(2)(1) of I.P.C. r/w 3(1)(w)(ii) and 3(2)(v) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Amendment Act, 2015, was arrested on 22.07.2023 and he is in judicial custody from then on.

3.The contention of the learned counsel for petitioner is that the petitioner is said to have taken the victim girl to a nearby Casuarina field



and there he committed rape. The victim neither raised any alarm or informed anybody near the field. On the other hand, she went to her home and at night hours she informed the same to her mother and thereafter a complaint lodged with delay. The petitioner attended the 100 days employment scheme and the victim girl also attended the programme. Since the victim girl is not mentally sound person, hailing from SC community, the petitioner arrested and he is in prison for more than seven months. He reliably understands that in this case investigation almost over and further incarceration of the petitioner is not required.

4.The learned Additional Public Prosecutor submitted that the case of the prosecution is that on 22.07.2023 at about 13.00 hours, the de-facto complainant, namely, Tmt.Lalitha, lodged a complaint to the respondent police stating that she is residing at above said address, she belongs to Parayar Community. She further states that her 3rd daughter namely Karthika/victim girl, aged about 22 years, who is with mental disorder. The victim girl went to work for 100 days under village ward member Thiagarajan. The work was in the village, Kuttai. On 21.07.2023, after



victim girl returned home from work, she informed the de-facto complainant that she was in pain and stated that the accused Singaravelu, who belongs to Devar community, committed rape on the Victim Girl. Hence, the complaint.

4.1.He further submitted that based on the above complaint, a case was registered in AWPS, Vedaranyam, Cr.No.13/2023, U / s * 0.376(2)(i) IPC and 3(1)(w) (1) (ii) r/w 3(2)(v) SC/ST POA Act, 2015 against the accused on 22.07.2023 at about 12.00 hours by Tmt. Pasupathi, the then Inspector of Police. During the course of investigation, the present investigating officer visited the scene of occurrence, drew rough sketch, prepared observation mahazar in presence of witnesses and examined the witnesses and recorded their statements.

4.2.During the course of investigation, on 22.07.2023 at about 18.30 hours, arrested the accused and recorded his confession statement and produced before the Principal Sessions Court, Nagapattinam, who remanded him to Judicial Custody. After completion of elaborate and detailed investigation, on 21.09.2023, charge sheet against the accused before the Principal Sessions Court, Nagapattinam filed, taken on file vide



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Spl.S.C.No.3/2024 dated 27.02.2024. The next date of hearing is on 26.03.2024 for furnishing copies.

4.3.He further submitted that in this case there are totally 19 witnesses and the trial can be completed within a short period and strongly opposed for granting bail.

5.The learned counsel appearing for the de-facto complainant/victim submitted that in this case the petitioner had committed inhuman act of rape against a mentally challenged person. On 22.10.2023, the victim girl as well as petitioner and other villagers were engaged in 100 days employment scheme work. At that time, a snake entered the farm and everybody ran away. The victim girl was standing alone. The petitioner took the victim girl to the nearby Casuarina field, there he forcibly removed her dress and committed rape. The victim girl unable to understand the seriousness, not reacted. After reaching home, she informed her mother during the sleep about the pain over the body and the reason for the pain is the petitioner's act. Thereafter, the victim's mother found that the victim was raped by the petitioner and further she verified the same with one Kunjammal, who also



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attended the 100 days programme. Kunjammal confirmed about the victim taken by the petitioner to an isolated place. Thereafter, a complaint has been lodged. The victim and her family members are traumatized. The trauma of the victim is yet to get over. If the petitioner is granted bail the chances of threat to her safety and life very much there. Hence, strongly opposed for granting bail to the appellant.

6.Considering the submissions made and on perusal of the material, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Appeal is dismissed.

7.The trial Court is directed to conclude the trial in Spl.S.C.No.3 of 2024 without further delay. On 26.03.2024, copies to be furnished and charges to be framed without further delay. The Special Court following proviso to Section 14 of SC/ST Act to complete the trial within a stipulated time as far as possible.



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8.This Court appreciates the strenuous efforts taken by Ms.R.Rebecca

Vasanthini Percy, learned Legal Aid Counsel appearing for the third respondent/de-facto complainant for effectively arguing the bail with facts and details.

26.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

- 1.The Deputy Superintendent of Police,
Vedaranyam.
- 2.The Inspector of Police,
All Women Police Station,
Vedaranyam.
- 3.The District and Sessions Judge,
Nagapattinam.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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