



Crl.A.No.352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.352 of 2024

Rajendran

... Appellant

Vs.

1. The State,
Represented by Deputy Superintendent of Police,
Dharapuram Sub Division,
Tiruppur District.

2. The State,
Represented by Inspector of Police,
AWPS-Dharapuram Police Station,
Tiruppur District.
(Crime No.6 of 2023)

... Respondents

PRAYER : Criminal Appeal filed under Section 14-A of SC/ST Act (Prevention of Atrocities Amendment Act 2015 r/w 374(3) of Cr.P.C), to set aside the order dated 31.01.2024 made in E.C.M.P.No.72 of 2024 on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Tiruppur and enlarge the appellant on bail pending in Crime No.6 of 2023 on the file of the second respondent Police.



Crl.A.No.352 of 2024

For Appellant : Mr.I.Abrar MD Abdullah
For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor

J U D G M E N T

This appeal has been filed challenging the order passed by the Sessions Court, Mahalir Neethimandram, (Fast Track Mahila Court), Tiruppur, in E.C.M.P.No.72 of 2024, dated 31.01.2024.

2. The petitioner is an accused in Crime No.6 of 2023 on the file of the respondent Police for offences under Sections 5(l), 5(j)(ii) r/w 6 and 16 r/w 17 of POCSO Act and Sections 313, 506(ii) IPC and Sections 3(1)(w)(i) r/w 3(2)(v) of SC/ST (POA) Act. The petitioner was arrested and remanded to judicial custody on 28.12.2023. The petitioner filed E.C.M.P. No.72 of 2024 before the Sessions Court, Mahalir Neethimandram, (Fast Track Mahila Court), Tiruppur, seeking bail. The said petition was dismissed by the impugned order. Aggrieved by the same, the present appeal has been filed.



Crl.A.No.352 of 2024

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3. Heard Mr.I.Abrar MD Abdullah, learned counsel for appellant and Mr.G.V.Kasthuri, learned Additional Public Prosecutor appearing for respondents.

4. Learned counsel for appellant submitted that the appellant is aged about 60 years and his medical records would show that he is incapable of making a woman pregnant. While so, the case of the prosecution that the appellant had sexual intercourse with the victim, aged about 17 years, several times, owing to which the victim got pregnant, which was aborted by the appellant with the help of a Nurse, is highly imaginary. There is no connection between the appellant and the victim's pregnancy. The medical records of the appellant would prove that a false case has been foisted against the appellant. The appellant is languishing in jail for more than five months. Submitting as above, learned counsel prays this Court to release the appellant on bail subject to conditions.



Crl.A.No.352 of 2024

WEB COPY

5. *Per contra*, learned Additional Public Prosecutor submitted that the offences alleged against the appellant are grave in nature. If the appellant is released on bail, he would threaten and tamper the witnesses. Submitting as above, learned Additional Public Prosecutor vehemently objected to grant bail to the appellant.

6. This Court has considered the rival submissions.

7. On a perusal of the records, this Court finds that the victim got pregnant and it was aborted. The appellant is said to have had sexual relationship with the victim several times and aborted her pregnancy with the help of a Nurse. Whether the appellant is accused of such offence or not would be decided only after a full-fledged trial. As of now, there are *prima facie* materials against the appellant. In a cases of this nature, bail cannot be granted when there are sufficient materials against the appellant. Considering the gravity of offence, the conduct of the appellant as also the fact that investigation was pending, the Court below has rightly dismissed



Crl.A.No.352 of 2024

WEB COPY

the petition. This Court finds that the order of the Court below does not require the interference of this Court.

8. Accordingly, this Criminal Appeal is dismissed.

23.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The learned Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Tiruppur.



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Crl.A.No.352 of 2024

M.DHANDAPANI, J.

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Crl.A.No.352 of 2024

23.04.2024