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Crl.A.No.484 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.A.No.484 of 2024

V.Kumaran

... Appellant / Petitioner

Vs.

1.The Deputy Superintendent of Police,
Ranipet,
Ranipet District.

2.The State rep. by
The Inspector of Police,
Walajapet Police Station,
Ranipet District.
(Crime No.491 of 2022)

3.Manjula

... Respondents

Prayer : Criminal Appeal filed u/s.14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the records in pursuant to Crl.M.P.No.321 of 2024 vide order dated 27.03.2024 on the file of the Special Court of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District and set aside the same and enlarge the petitioner on bail in Crime No.491



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of 2022 pending on the file of the respondent police.

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For Appellant : Mr.K.Sathishkumar
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been filed by the appellant to set aside the Crl.M.P.No.321 of 2024 vide order dated 27.03.2024 on the file of the Special Court of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District and enlarge the appellant on bail in connection with the case in Crime No.491 of 2022 pending on the file of the respondent police.

2. It is the case of the prosecution that the de-facto complainant namely one Manjula who is the Village Administrative Officer of Sathampakkam Village, Ranipet District had preferred a complaint before the respondent police alleging that on 07.11.2022 at about 3:00 pm she received an information from her assistant that a highly decomposed female body aged about 27 years was floating on the



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Kasa Kaalvai situated at the back side of the Government fodder farm. Based on the said complaint, the respondent police registered the FIR in Crime No.491 of 2022 against the appellant for the offence u/s.174 of Cr.P.C and thereafter, the case was altered to Sections 302, 201, 376, 379 of IPC r/w.Section 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Against which, the appellant has preferred a petition u/s.439 of Cr.P.C. Seeking grant of bail to him before the file of Special Court of Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, Vellore and the same was dismissed vide order dated 27.03.2024. Seeking to enlarge the appellant on bail in connection with Crime No.491 of 2022, the present appeal has been filed by the appellant herein.

3. Learned counsel for the appellant submitted that the appellant has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case, due to previous enmity. He further submits that the appellant has been under incarceration from 10.11.2022, which fact has not been considered by the trial court, while dismissing his application for bail and, therefore, the appellant is entitled



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for bail.

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4. Learned Additional Public Prosecutor appearing for the 1st and 2nd respondents vehemently opposed the bail and submitted that the acts perpetrated by the appellant against the victim is heinous in nature and due to which the victim lost her life. All the aspects have been rightly considered by the court below, while dismissing the bail and, therefore, no interference is warranted.

5. This Court gave its careful consideration to the submissions advanced on either side and perused the materials available on record.

6. A perusal of the order passed by the court below coupled with the complaint lodged in this regard reveals that there are allegations with regard to sexual assault against the appellant, which is of serious in nature and the same has to be tested at the time of trial and even at the threshold it cannot be held that there are no materials to brush the case aside. Though bail is the norm, however, the seriousness of the allegation and the nature and gravity of the offence alleged to have been committed



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by the appellant had resulted in the court below rejecting the claim for bail, which is based on cogent and convincing reasoning and the same does not require any interference at the hands of this Court.

7. For the reasons aforesaid, this appeal stands dismissed.

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Index : Yes / No
Speaking order / Non-speaking order
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M.DHANDAPANI, J.

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To

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Ranipet District.

2.The State rep. by
The Inspector of Police,
Walajapet Police Station,
Ranipet District.

3.The Public Prosecutor,
Madras High Court.

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