



WEB COPY



Crl.A.No.503 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.503 of 2024

Sudhakar

... Appellant

Vs.

State of Tamil Nadu,
Represented by the Station House Officer,
A.W.Police Station,
Thirukoilur.
(Crime No.28 of 2023)

... Respondent

PRAYER : Criminal Appeal filed under Section 14A of SC/ST POA Act, to set aside the order dated 07.03.2024 made in Crl.M.P.No.438 of 2024 on the file of the Principal District and Sessions Judge, Kallakurichi by allowing this criminal appeal and enlarge the petitioner on bail pending investigation in Crime No.28 of 2023 on the file of the respondent Police.

For Appellant : Mr.S.Nedunchezhiyan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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J U D G M E N T

This appeal has been filed challenging the order passed by the Principal District Sessions Court, Kallakurichi, in Crl.M.P.No.438 of 2024, dated 07.03.2024.

2. The petitioner is an accused in Crime No.28 of 2023 on the file of the respondent Police for offences under Sections 376(2)(e), 342 IPC r/w Sections 5(k), 6 of POCSO Act and Sections 3(1)(w)(i) and 3(2)(va) of SC/ST Act. The petitioner was arrested and remanded to judicial custody on 21.08.2023. The petitioner filed Crl.M.P.No.438 of 2024 before the Principal District Sessions Court, Kallakurichi, seeking bail. The said petition was dismissed by the impugned order. Aggrieved by the same, the present appeal has been filed.

3. Heard Mr.S.Nedunchezhiyan, learned counsel for appellant and Mr.G.V.Kasthuri, learned Additional Public Prosecutor appearing for



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respondent.

4. Learned counsel for appellant submitted that the victim had a love affair with the appellant and a false case has been foisted against the appellant. The appellant has not committed any offence as alleged by the prosecution. The appellant is languishing in jail for more than seven months. Submitting as above, learned counsel prays this Court to release the appellant on bail subject to conditions.

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 is a



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mentally retarded person and was aged about 16 years at the time of incident. 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 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.

30.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

The Principal District and Sessions Judge,
Kallakurichi.



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M.DHANDAPANI, J.

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