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Crl.A.No.1439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Appeal No.1439 of 2024

Sudhakar

... Appellant

..VS..

1. State of Tamil Nadu,
Rep.by The Deputy Superintendent of Police,
Kallakurichi, Kallakurichi District.

2. State of Tamil Nadu,
Rep.by The Inspector of Police,
A.W.Police Station,
Thirukoilur, Crime No.28 of 2023.

3. Kalaiyarasi

... Respondents

Criminal Appeal filed under Sections 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, to set aside the order dated 24.10.2024 made in Crl.M.P.No.3937 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 2024 on the file of the respondent-Police.



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For Appellant : Mr.S.Nedunchezhiyan
For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor for
R1 and R2
Mr.M.Mohamed Saifulla
legal aid counsel for R3

J U D G M E N T

This Criminal Appeal is preferred against the order dated 24.10.2024 made in Crl.M.P.No.3937 of 2024 on the file of the Principal District and Sessions Judge, Kallakurichi.

2. Learned counsel for the appellant submitted that based on the complaint of the *de-facto* complainant, the respondent-Police registered a case against him in Crime No.28 of 2023 for the offences punishable under Sections 376(2)(1) and 342 IPC and Section 5(k) read with 6 of the Protection of Children from Sexual Offences Act, 2012 [hereinafter referred to as 'POCSO' Act] and Sections 3(1)(w)(i),3(2)(va) @ Section 366, 342 IPC and Section 5(k) read with 6 of POCSO Act and Section 3(1)(w)(i), 3(2)(va), 3(2)(v) of Scheduled Castes and Scheduled Tribes

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(Prevention of Atrocities) Act, 1989 Amendment Act, 2015. He further submitted that the appellant is innocent and he is no way connected with the alleged offences and a false case has been foisted against him. He further submitted that even though charge sheet was taken on file, there is no progress in the case. He further submitted that the appellant is in judicial custody from 21.08.2023 onwards and taking advantage of his incarceration, the prosecution has not examined any witnesses and kept the proceedings pending. Therefore, he prays to release the appellant on bail.

3. Learned Additional Public Prosecutor appearing for the respondents 1 and 2 - Police, on instructions, submitted that already charges were framed and summons issued to the witnesses and hence, the trial is in progress.

4. Learned Legal Aid counsel appearing for the third respondent-victim submitted that at the time of occurrence, the victim is aged about



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16 years and she is a person with an intellectual disability. Therefore, if the appellant/accused is released on bail, there is a possibility of tampering the witnesses and trial would be protracted and hence, he strongly objects for granting bail to the appellant.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances and also considering the age of the victim and taking into consideration the serious nature of offences committed by the appellant, this Court is of the view that if the appellant is released on bail, there will be possibility of tampering the witnesses and trial would be protracted and hence, this Court is not inclined to grant bail to the appellant. Therefore, this Criminal Appeal is dismissed.

7. It is seen from the records that, since the date of occurrence is 19.08.2023, charge sheet was already taken on file and witnesses have



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already been summoned and hence, the trial Court is directed to dispose of the case on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this judgment.

24.04.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Principal District and Sessions Judge,
Kallakurichi.
2. The Deputy Superintendent of Police,
Kallakurichi,
Kallakurichi District.
3. The Inspector of Police,
A.W.Police Station,
Thirukoilur.
4. The Officer incharge,
Sub Jail, Kallakurichi.
5. The Public Prosecutor,
High Court, Madras.

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P.VELMURUGAN, J

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