

**IN THE COURT OF SESSIONS JUDGE, SPECIAL COURT FOR
SC/ST (PoA) ACT, PERAMBALUR.**

**Present: Tmt.S.Malarvizhi, M.L.,
Sessions Judge,
Special Court for SC/ST (PoA) Act,
Perambalur.**

**Wednesday, this the 10th day of March, 2021.
E.Bail No.186/2021.**

Ashok @ Ashokraj, aged 26/2021,
S/o.Ayyakannu

... Petitioner/Accused.

-vs-

The Inspector of Police,
Maruvathur Police Station,
Crime No.25/2021.

... Respondent/Complainant.

Offences u/Ss.147, 294(b), 326, 506(i), 376, 511 of IPC r/w Sec.3(1)(w)(i),3(1)(w)(ii), 3(2) (va) of SC/ST (PoA) Amendment Act.

* * * * *

This petition coming on this day before me for order in the form of e-bail by Thiruvalargal. P.Ramkumar and A.Karthick, Advocates for the petitioner and of the Special Public Prosecutor for the State and upon perusing the petition and other relevant records, this Court has delivered the following...

ORDER

The Mandatory/Statutory bail petition filed by the petitioner Under Rule 7(2A) of SC and ST Rules for grant of bail to the petitioner for the offences u/Ss.147, 294(b), 326, 506(i), 376, 511 of IPC r/w Sec.3(1)(w)(i),3(1)(w)(ii), 3(2) (va) of SC/ST (PoA) Amendment Act.

2. Perused the petition, copy of FIR and Police reply submitted by the learned Special Public Prosecutor and other connected records. The petitioner is arrested and remanded to Judicial custody on 02.01.2021 and that they are in Judicial custody for the past 63 days.

3. The learned Counsel for the petitioner/accused submitted that the alleged

date of occurrence was on 01.01.2021 and that the petitioner is filing present bail petition on the ground of Mandatory bail and that the charge sheet is not filed till date, and that the petitioner was charged Under IPC as well as Special Act and that the investigation period is 60 days, and that the petitioner is filing present mandatory bail petition and that he has not committed any such offences and that he has not moved any bail application before the Hon'ble High Court of Madras and that if he is released on bail, and he will not tamper any witnesses and therefore, prays for release on bail with any conditions.


4. The learned Special Public Prosecutor stated in his reply that investigation is still pending. If bail is granted, communal clash will arise in the area and strongly objected for granting bail.

5. “ Under Section. 376 – Punishment for rape (1) Whoever, except in the case provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years, and shall also be liable to fine unless the woman raped is his own wife and is not under twelve imprisonment of either description for a term which may extend to two years or with fine or with both.”

Defacto complainant present. Objections of Special Public Prosecutor and defacto complaint recorded. The petitioner/accused is not entitled to Mandatory bail. Hence this bail application is dismissed.

6. In the result, this petition is dismissed.

Pronounced by me through E-bail, this the 10th day of march, 2021.


Special Court Judge,
Special Court for SC/ST (PoA) Act,
Perambalur.