



Crl.A.No.707 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.A.No.707 of 2023

Rajasekar

... Appellant

Vs.

1.State Rep. by its
Deputy Superintendent of Police,
Cuddalore District.

2.The Station House Officer,
All Women Police Station, Gingee,
Villupuram District.
(Crime No.13/2023)

3.Sevvanthi

... Respondents

Prayer : Criminal Appeal filed under Section 14A of Scheduled Castes/Schedule Tribes (POA) Amendment Act, 2015 to set aside the order dated 12.06.2023 in Crl.M.P.No.1534/2023 passed by the learned Special Court for Exclusive Trial of Cases Registered under the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989, Villupuram and grant bail to appellant.



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For Appellant : Mr.D.Padmanabhan
For R1 & R2 : Mr.S.Sugendran, APP
R3 : No appearance

JUDGMENT

Challenging the orders passed in Crl.M.P.No.1534/2023, the present Criminal Appeal has been filed by the accused.

2. The case of the prosecution is that on 01.06.2023 when the victim who belongs to Scheduled Caste Community was in her house alone, the accused trespassed into her house and attempted to rape her. When the victim shouted, the accused fled away from the scene of occurrence. On the basis of the complaint preferred by the defacto complainant (victim), the Inspector of Police, All Women Police Station, Gingee registered an FIR in Crime No.13/2023 on 02.06.2023 for the offence punishable under Sections 448, 376, 511, 506 (2) of IPC,, 3(1)(w)(i) & 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and arrested the accused on 02.06.2023 and remanded him to judicial custody on



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03.06.2023. The petitioner/accused had filed a petition in Crl.M.P.No.1534/2023 under Section 439 Cr.P.C. seeking grant of bail.

3.The learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram vide her orders dated 12.06.2023 dismissed the said petition on the ground that the investigation is not yet completed and that if the accused is enlarged on bail, he would tamper with the witnesses. Aggrieved over the same, the present Criminal Appeal is filed.

4.Heard Mr.D.Padmanabhan, the learned counsel for the appellant and Mr.S.Sugendran, the learned Additional Public Prosecutor for the respondents 1 & 2.

5.Mr.D.Padmanabhan, the learned counsel for the appellant contended that in the instant case, the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act are not attracted



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and that the accused is innocent. Therefore, he prayed for enlarging the accused on bail.

6.Per contra, the learned Additional Public Prosecutor contended that the investigation is not yet completed and that both the defacto complainant and the accused have to be medically examined. He therefore prayed for dismissal of this criminal appeal.

7.A bare perusal of the complaint given by the defacto complainant shows that the accused attempted to rape her when she was in her home alone on 01.06.2023. The accused belongs to Hindu Vanniyar Community and the defacto complainant belongs to Scheduled Caste Community. Therefore, the police had registered the FIR against the accused for the offences punishable under Sections 448, 376, 511, 506 (2) IPC and 3(1)(w)(i) & 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The accused has been remanded to judicial custody on 02.06.2023.



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8.Considering the period of incarceration of the accused and also the facts and circumstances of the case, I am inclined to grant bail to the accused on the following conditions :

- i. The appellant shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases registered under the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989, Villupuram.
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and
- iii. The appellant shall appear before the respondent/police everyday at 10.30 a.m. for a period of four weeks and thereafter, the appellant shall appear on the first working day of every month at 10.30 a.m. until further orders.

24.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

Note : Issue Order Copy on 25.07.2023



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To

- 1.The Deputy Superintendent of Police, Cuddalore District.
- 2.The Station House Officer, All Women Police Station, Gingee,
Villupuram District.
- 3.The Special Court for Exclusive Trial of Cases Registered under the
Schedule Castes and the Schedule Tribes (Prevention of Attrocities) Act,
1989, Villupuram

Copy to :

The Section Officer,
Criminal Section, High Court,
Madras.



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R. HEMALATHA, J.
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