



CrI.A.(MD).No.927 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.10.2023

Pronounced on : .10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CrI.A.(MD).No.927 of 2023

Nandhakumar

... Appellant / Accused

Vs.

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

2.The Inspector of Police,
Alangudi All Women Police Station,
Pudukkottai District.
(Crime No.2 of 2023)

... 1st & 2nd Respondents / Complainants

3.Vinothini

... 3rd Respondent / De-facto Complainant

PRAYER : Criminal Appeal filed under Section 14 A (2) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 to call for the records pertaining to the impugned order in Cr.M.P.No.1631 of 2023 dated 03.10.2023 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai and enlarge the appellant on bail by allowing this Criminal Appeal.



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For Appellant : Ms.A.Arul Jenifer
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Ms.Vinothini (Party in Person)

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Cr.M.P.No.1631 of 2023 dated 03.10.2023 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai and enlarge the appellant on bail.

2. According to the prosecution, the appellant said to have committed the offences under Sections 294(b), 417, 376 (i) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v) of SC/ST (POA) Act.

3.The case of the prosecution is that the appellant and *de-facto* complainant loved each other and on the pretext of marriage, they had sexual relationship and later the appellant cheated the *de-facto* complainant and avoid to speak with her. When the same was questioned by the *de-facto* complainant, the appellant scolded her in filthy language by using their



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caste name. Hence, the *de-facto* complainant lodged a complaint before the respondent police and the case has been registered in Crime No.2 of 2023 against the appellant for the offences under Sections 294(b), 417, 376(i) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v) of SC/ST (POA) Act. Therefore, the appellant has filed a petition for bail in Cr.M.P.No.1631 of 2023, before the learned Special Sessions Judge (FAC), Special Court for Trial of cases under SC/ST (PoA) Act, Pudukkottai and the same was dismissed on 03.10.2023. Challenging the same, the appellant has preferred this Criminal Appeal.

4. The learned counsel for the appellant would submit that the appellant did not involve in any occurrence as alleged by the prosecution. The appellant was arrested and remanded on 26.08.2023 and he is in judicial custody from 26.08.2023 in District Prison, Pudukkottai. He would further submit that the appellant is willing to produce sufficient sureties for the appearance and the appellant will never abscond and will not tamper the witnesses and hence he seeks to grant bail to the appellant.



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5. The learned Additional Public Prosecutor appearing for the State would submit that in this case investigation has been completed and final report is ready and going to be filed, if the appellant is ordered to be released on bail, stringent conditions may be imposed.

6.The third respondent/de-facto complainant appeared in person and objected to release the appellant on bail.

7.Considering the above facts and circumstances and also considering the fact that the de-facto complainant is an Engineering graduate and it is a case of love affair and also considering the period of incarceration, this Court is inclined to allow the Criminal Appeal by setting aside the order dated 03.10.2023 passed in Cr.M.P.No.1631 of 2023 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai.

8. Accordingly, this Criminal Appeal is allowed and the order dated 03.10.2023 passed in Cr.M.P.No.1631 of 2023 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai, is set aside. The



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appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Trial of SC/ST (POA) Act cases, Pudukkottai, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Trial of SC/ST (POA) Act cases, Pudukkottai, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall stay at Dindigul and report before the Dindigul North Town Police Station, daily at 10.30 am and 5.30 p.m., until further orders, except on hearing dates.

(c) the appellant shall not tamper with evidence or witnesses, during investigation or trial.

(d) the appellant shall co-operate with the investigation.

(e) On breach of any of the aforesaid conditions, the learned Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as



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laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

.10.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
vsd

To

- 1.The Special Court for Trial of SC/ST Act Cases,
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai District.
- 3.The Inspector of Police,
Alangudi All Women Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.

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