



Crl.A.No.791 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.791 of 2024

Manikandan

...Appellant

Vs.

1. The Deputy Superintendent of Police,
Coimbatore District.

2. Inspector of Police,
All Women Police Station (East),
Coimbatore (Cr.No.7/2024)

3. Mathivani

...Respondents

Criminal Appeal filed under Section 14A(2) of Scheduled Castes and Schedule Tribes Amendment Act, 2015 to set aside the impugned order passed by the Special Court for Trial of cases under SC/ST (POA) Act, Coimbatore on 06.06.2024 in CMP.No.289 of 2024 and to enlarge the appellant on bail in Crime No.7 of 2024 on the file of the second respondent Police.

For Appellant : Mr.Mohan Raj

For Respondents : Mrs. G.V.Kasthuri
Addl.Public Prosecutor, for R1 & R2
Mr.S.N.Arun Kumar for R3



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J U D G M E N T

The Criminal Appeal has been filed as against the order of dismissal of Bail application in CMP.No.289 of 2024 dated 06.06.2024 passed by the Special Court for Trial of cases under SC/ST (POA) Act, Coimbatore.

2. Learned counsel for the appellant submitted that the appellant is innocent and he was falsely implicated in a case registered for the offence under Section 376 of IPC r/w.3(2) (v) of the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.7 of 2024. He further submitted that the appellant is confined in Central Prison, Coimbatore for more than 60 days. Hence, he prays this Court for grant of bail to the appellant.

3. On the above contention, this Court heard the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

4. Considering the facts and circumstances of the case and also the period of incarceration, this Court is inclined to grant bail to the



appellant.

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5. Accordingly, the Criminal Appeal is allowed and the appellant is directed to be enlarged on bail on condition that the appellant shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the Special Court for Trial of cases under SC/ST (POA) Act, Coimbatore and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the appellant shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the appellant shall not tamper with evidence or witness either during investigation or trial;

(d) the appellant shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid



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*conditions, the learned Magistrate/ 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 laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;*

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

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- To
1. Special Court for Trial of cases under SC/ST (POA) Act, Coimbatore
 2. The Deputy Superintendent of Police, Coimbatore District.
 3. Inspector of Police,
All Women Police Station (East),
Coimbatore (Cr.No.7/2024)
 4. The Public Prosecutor,
High Court, Madras.
 5. The Central Prison,
Coimbatore.



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M.DHANDAPANI, J.

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