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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.845 of 2024

Rajiv Gandhi

...Appellant

Vs.

1. The State of Tamil Nadu,
rep.by the Assistant Commissioner of Police,
W-4, Kilpauk All Women Police Station,
Chennai.

2.The State of Tamil Nadu,
Rep.by the Inspector of Police,
W-4, Kilpauk All Women Police Station,
Chennai.

3.Kalaiarasi

...Respondents

Prayer: Criminal Appeal filed under Section 14 A(2) of SC/ST Act, 2015 to set aside the order passed by the Special Court under the Scheduled Castes and Scheduled Tribes (POA) Act/Principal Sessions Court, Chennai, in Crl.M.P.No.16117 of 2024 dated 20.06.2024 and enlarge the appellant on bail.

For Appellant

: Mr.Deepanuday

For Respondents

: Mrs.G.V.Kasthuri

Additional Public Prosecutor

for RR1 & 2

3rd Respondent (party in person)



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JUDGMENT

Challenging the dismissal order dated 20.06.2024 passed in Crl.M.P.No.16117 of 2024 by the Special Court under the Scheduled Castes and Scheduled Tribes (POA) Act/Principal Sessions Court, Chennai, this appeal has been filed seeking bail.

2. The appellant/accused was arrested on 09.06.2024, based on a case registered against him for the offences punishable under Sections 3(1)(r), 3(1)(s) and 3(1)(w)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 498(A), 417, 494, 506(i) IPC r/w. 34 IPC, in Crime No.05 of 2023 on the file of the second respondent police.

3. Heard the learned counsel for the appellant, the learned Additional Public Prosecutor for the respondents 1 & 2 and the third respondent (party in person) and perused the materials available on record.

4. Learned counsel for the appellant submitted that the appellant is an innocent person and the entire allegation leveled against the appellant is false and he is in judicial custody for a period of one month. Hence, he prays for grant of bail to the appellant.

5. The victim girl appeared before this Court and vehemently opposed for



grant of bail.

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6. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the appellant, this Court is inclined to grant bail to the appellant.

7. Accordingly, the appeal is allowed and ***the appellant is ordered to be released on bail subject to the following conditions:***

(i) 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 under the Scheduled Castes and Scheduled Tribes (POA) Act/Principal Sessions Court, Chennai;

(ii) the appellant shall appear before the second respondent Police daily at 10.30 a.m., till the completion of investigation;

09.07.2024

ssb

Note to office: Issue order copy on 09.07.2024

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No

To

<https://www.mhc.tn.gov.in/judis>



1. The Special Court under the Scheduled Castes and Scheduled Tribes (POA) Act/Principal Sessions Court, Chennai.

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2. The Superintendent,
Central Prison, Chennai.

3. The Assistant Commissioner of Police,
W-4, Kilpauk All Women Police Station,
Chennai.

4. The Inspector of Police,
W-4, Kilpauk All Women Police Station,
Chennai.

5. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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