



CrI.A.(MD).No.414 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 23.05.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

CrI.A.(MD).No.414 of 2024

Nikkeesh @ Nikkeeshvaran

...Appellant/
Petitioner/
Accused No.1

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Orathanady Sub-Division,
Thanjavur District.

2.The Inspector of Police,
All Women Police Station – Orathanadu,
Thanjavur District.
(Crime No.07 of 2024)

... Respondents /
Complainants

3.Radhika

...Respondent/
De-facto Complainant



Crl.A.(MD).No.414 of 2024

WEB COPY

PRAYER : Criminal Appeal filed under Section 14 A (2) of SC/ST (Prevention of Atrocities) Amendment Act, to set aside the order passed by the I Additional District & Sessions Court (PCR), Thanjavur in Crl.M.P.No. 475 of 2024 dated 23.04.2024 and to enlarge the appellant on bail on Crime No.07 of 2024 on the file of the second respondent Police.

For Appellant : Mr.M.Pitchai Muthu

For R1 & R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R3 : Mr.K.Prakasam

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the I Additional District & Sessions Court (PCR), Thanjavur in Crl.M.P.No.475 of 2024 dated 23.04.2024 and to enlarge the appellant on bail on Crime No.07 of 2024 on the file of the second respondent Police.

2. According to the prosecution, the appellant and other accused persons said to have committed the offences under Sections 376, 323, 506(i)



Crl.A.(MD).No.414 of 2024

of IPC r/w 3(1)(r), 3(1)(d), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of SC/ST (PoA) Act.

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3.The case of the prosecution is that on 23.03.2024 at 8.00 pm when the defacto complainant returned home from her working place, the appellant gave lift to her in her two-wheeler and forcibly took her to the isolated place and committed rape on her. Hence, the defacto complainant lodged a complaint before the respondent police and the case has been registered in Crime No.07 of 2024 against the appellant and other accused persons for the offences under Sections 376, 323, 506(i) of IPC r/w 3(1)(r), 3(1)(d), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of SC/ST (PoA) Act. Therefore, the appellant has filed a petition for bail in Cr.M.P.No.475 of 2024, before the learned I Additional District & Sessions Court (PCR), Thanjavur and the same was dismissed on 23.04.2024. Challenging the same, the appellant has preferred this Criminal Appeal.

4. The learned counsel for the appellant would submit that the appellant is an innocent and he has been falsely implicated in this case. He



Crl.A.(MD).No.414 of 2024

WEB COPY

would further submit that as per the prosecution case, the defacto complainant eloped with the appellant with malafide intension in the night time, she has misbehaved with the appellant and she demand money from the appellant and his family members. As a result, the appellant committed suicide attempt. He is also ready to abide by any condition imposed by this Court and hence, he seeks to grant bail to the appellant.

5. The learned Additional Public Prosecutor appearing for the State would submit that totally there are four accused in this case and the appellant herein arrayed as Accused No.1 and 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 made submissions and however objected to release the appellant on bail. After hearing the same, this Court is not inclined to allow the Criminal Appeal.



Crl.A.(MD).No.414 of 2024

WEB COPY

7. Accordingly, this Criminal Appeal is dismissed and the order dated 23.04.2024 passed in Cr.M.P.No.475 of 2024 on the file of I Additional District & Sessions Court (PCR), Thanjavur, is confirmed.

23.05.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
MGA

To

- 1.The Deputy Superintendent of Police,
Orathanady Sub-Division,
Thanjavur District.
- 2.The Inspector of Police,
All Women Police Station – Orathanadu,
Thanjavur District.
3. I Additional District & Sessions Court (PCR), Thanjavur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.



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Crl.A.(MD).No.414 of 2024

S.SRIMATHY, J.

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Crl.A.(MD).No.414 of 2024

23.05.2024