



Crl.A.(MD)No.363 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)No.363 of 2025

Manikandan

... Appellant

versus

1. State of Tamilnadu, Rep. By
The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

2. The State Rep. By
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.

3. Paramasivam

... Respondents

Appeal filed under Section 14(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the records in Crl.M.P.No.62 of 2025 on the file of the Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, dated 06.03.2025 and set aside the same as illegal and enlarge the appellant on bail in Crime No. 208 of 2017 on the file of the 2nd respondent police.



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For Appellants : Mr.R.Venkatesan
For R1 and R2 : Mr.P.Kottaichamy
Government Advocate (Crl. Side)
For R3 : No appearance

JUDGMENT

The appellant is the 4th accused in Crime No.208 of 2017 on the file of the second respondent Police. The first respondent filed the final report as against the appellant before the Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, in Spl.S.C.No.11 of 2018 for the offence under Sections 147, 148, 452, 342, 294(b), 324, 427 IPC r/w. 3(1) (r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act. The appellant was already enlarged on bail. However, he failed to appear before the trial Court on 19.06.2024. Therefore, a Non-Bailable Warrant of arrest was issued as against the appellant and he was secured only on 13.02.2025. Since the appellant is in judicial custody from 13.02.2025, he filed a petition in Crl.M.P.No.62 of 2025 before the trial Court. However, the said petition was dismissed by the trial Court, by its order dated 06.03.2025. As against the same, the appellant has filed this appeal.



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2. Since the appellant is facing charges under the provisions of SC/ST (Prevention of Atrocities) Act, this Court, while entertaining this appeal on 20.03.2025, ordered notice to the 3rd respondent. The appellant has also filed a track consignment report. However, there was no representation for the 3rd respondent. Therefore, this Court, by order dated 24.04.2025, directed the the first respondent to inform the defacto complainant about the listing of this appeal before this Court. The first respondent has filed a memo before this Court that an attempt was made to inform the defacto complainant, but, the defacto complainant was not available in the Village and therefore, they have informed one Karthigai Selvi, who is the sister of the defacto complainant.

3. The learned Government Advocate (Crl. Side) raised an objection that the appellant has evaded the trial by absconding from 19.06.2024 and with great difficulty, they have secured him on 13.02.2025.

4. The appellant was already granted bail by the trial Court. However, he failed to appear before the Court on 19.06.2024. Therefore, a Non-Bailable Warrant of arrest was issued as against the appellant and he



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was secured on NBW on 13.02.2025. Now, it is reported that the case is listed on 06.05.2025 for examination of P.W.1 to P.W.3. In order to provide one opportunity to the appellant to defend his case effectively, this Court is inclined to allow this appeal with certain conditions.

5. Accordingly, this Criminal Appeal is allowed and the order dated 06.03.2025, passed in Crl.M.P.No.62 of 2025 on the file of the Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, is hereby set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Exclusive trial of cases under SC/ST (POA) Act, 1989, Sivagangai and on further condition that:

i) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address.

ii) The appellant shall file an undertaking affidavit before the second respondent Police that he would not evade the trial further by not cross examining the witnesses who will be present before the Court and he will be present before the trial Court on all hearing dates without fail.



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iii) The appellant shall appear before the trial Court daily at 10.30 a.m. until further orders.

iv) The appellant shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.

29.04.2025

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Special Court for Exclusive Trial of cases
under SC/ST (POA) Act, 1989,
Sivagangai.
2. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.
3. The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.



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B.PUGALENDHI, J.

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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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