



Crl.A.(MD)No.448 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)No.448 of 2025

Prabin

... Appellant

versus

1. The State of Tamilnadu, Rep. by
The Deputy Superintendent of Police,
Colachel Sub Divisin,
Kanyakumari District.

2. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

3. Rajam

... Respondents

Appeal filed under Section 14(A)(2) of the SC/ST (Amendment Act) of 2014 amendment by 1/2016, to set aside the order passed in Crl.M.P.No.2 of 2025 on the file of the Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Kanyakumari at Nagercoil dated 03.03.2025 and enlarge the appellant on bail.



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For Appellant : Mr.P.Sonu
For R1 and R2 : Mr.P.Kottaichamy
Government Advocate (Crl. Side)
For R3 : No appearance

JUDGMENT

The appellant is the sole accused in Crime No.366 of 2021 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, Kanyakumari at Nagercoil, in S.C.No.12 of 2025 for the offence under Sections 294(b), 323, 448 and 506(i) IPC and Section 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The appellant was already enlarged on bail. However, he failed to appear before the trial Court on 28.05.2024. Therefore, a Non-Bailable Warrant of arrest was issued as against the appellant and he was secured only on 07.02.2025. Since the appellant is in judicial custody from 07.02.2025, he filed a petition in Crl.M.P.No.2 of



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2025 before the trial Court. However, the said petition was dismissed by the trial Court, by its order dated 03.03.2025. As against the same, the appellant has filed this appeal.

2. Since the appellant is facing charges under the provisions of SC/ST (Prevention of Atrocities) Act, this Court, while entertaining this appeal on 16.04.2025, ordered notice to the 3rd respondent. Though notice was served on the 3rd respondent and his name has been printed in the cause list, there is no representation for the 3rd respondent.

3. The learned Government Advocate (Crl. Side) raised an objection that the appellant has evaded the trial by absconding from 28.05.2024 and with great difficulty, they have secured him on 07.02.2025.

4. The appellant was already granted bail by the trial Court. However, he failed to appear before the Court on 28.05.2024. Therefore, a Non-Bailable Warrant of arrest was issued as against the appellant and he was secured on NBW on 07.02.2025. Now, it is reported that the case is listed before the trial Court on 06.05.2025 for supply of copies. In order to



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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 03.03.2025, passed in Crl.M.P.No.2 of 2025 on the file of the Special Court for Exclusive Trial of cases under SC/ST (POA) Act, Kanyakumari at Nagercoil, 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, Kanyakumari at Nagercoil 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 and he will be present before the trial Court on all hearing dates without fail.
- iii) The appellant shall appear before the trial Court daily at 10.30 a.m. until further orders.



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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.

28.04.2025

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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, Kanyakumari at Nagercoil.
2. The Deputy Superintendent of Police, Colachel Sub Divisin, Kanyakumari District.
3. The Inspector of Police, Puthukadai Police Station, Kanyakumari District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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B.PUGALENDHI, J.

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