

Crl. A.(MD)No.884 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 26.08.2025

CORAM

THE HONOURABLE DR. JUSTICE R.N.MANJULA

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Krishna

... Appellant/Petitioner/Sole accused

Vs.

1.The State of Tamil Nadu,
Rep., by the Deputy Superintendent of Police,
Oddanchatram Sub Division,
AWPS Oddanchatram,
Dindigul District.
Crime No.18 of 2025

2.The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
Crime No.18 of 2025

... Respondents/ Complainants

3.Kokila

... 3rd Respondent/ Defacto
Complainant/ victim

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Act to call for the records pertaining to the order passed in Cr.M.P.No.273 of 2025 on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, Dindigul, dated 11.08.2025 and set aside the same as illegal and enlarge the appellant on bail by allowing the appeal.



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For Appellant : Mr.K.Sivabalan
for M/s.Aran Legal Consultancy

For R1 & R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal Side)

For R3 : served

JUDGMENT

This Criminal Appeal is filed challenging the order passed by the learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, Dindigul, in Cr.M.P.No.273 of 2025, dated 11.08.2025.

2. The appellant is the sole accused in Crime No.18 of 2025 and the said case has been registered for the offences under Sections 69 of BNS @ 69 of BNS and Section 3(1)(w)(ii) of SC/ST(POA) Act on the allegation that the appellant and the victim became acquainted through Instagram and subsequently, began communicating via Whatsapp. While that being so, on 23.03.2025, the appellant took the victim to Tirupur. Under the pretext of promise to marry her, he had sexual intercourse with her and thereafter, he denied to marry her. The appellant was arrested and remanded to judicial custody on 22.07.2025.



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3. The appellant has filed bail application before the trial court and the same was dismissed. Aggrieved over that, this appeal has been preferred.

4. The learned counsel appearing for the appellant submitted that there was no such promise and the investigation in his case is almost completed. He further submitted that the appellant is the law abiding citizen and he will not abscond. The appellant has also given undertaking that the appellant will appear before the Court as and when required and comply the condition without any default.

5. The learned Government Advocate (Crl.side) submitted that in this case investigation is completed and charge sheet has also been filed on 13.08.2025. If the appellant is released on bail, stringent conditions may be imposed.

6. The defacto complainant appearing in person has stated in her objection that she apprehends threat to her safety at the hands of the accused in the event of his release on bail.



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7. The learned trial Judge had observed that the investigation is still pending and there is a possibility that the accused would abscond and tamper the evidence, if he is released on bail.

8. It is learnt that the victim is residing in Dindigul and the accused is residing in Thanjavur and that they came to know each other only through social media. If the accused is released on bail, it may not be possible for him to come into the vicinity of the victim, particularly if he is directed to adhere to bail conditions at Thanjavur itself.

9. Considering the facts and circumstances of the case and also considering that the investigation in this case is almost over and charge sheet has also been filed on 13.08.2025 and the fact that the appellant is willing to furnish the surety and abide by any condition to be imposed by this Court and his undertaking that he would appear before the Court as and when required, I feel the accused can be enlarged on bail.

10. Accordingly, this Criminal Appeal is allowed and the order dated 11.08.2025 passed in Cr.M.P.No.273 of 2025 on the file of the learned



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Judge, Special Court for Exclusive Trial of Cases under SC/ST(POA) Act,

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Dindigul, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judge, Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, Dindigul, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge, Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, Dindigul, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall appear and sign before the Thanjavur Town Police Station, daily at 10.30 am., until further orders.

(c) the appellant shall not tamper with evidence or witnesses, during investigation or trial.

(d) the appellant shall co-operate with the investigation.



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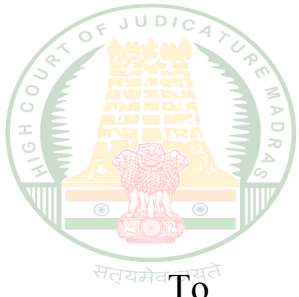
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(e) On breach of any of the aforesaid conditions, the learned Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

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

26.08.2025

NCC : Yes/No
Index : Yes/No
Rmk



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To
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1. The Judge, Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, Dindigul
2. The Deputy Superintendent of Police,
Oddanchatram Sub Division,
AWPS Oddanchatram,
Dindigul District.
3. The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA, J.

Rmk

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