



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Appeal No.371 of 2021

P.Mohan

..Appellant/Petitioner/Accused-1

Vs.

1. The Deputy Superintendent of Police
Omalar
Salem District

...1st Respondent

2. The Inspector of Police
Tharamangalam Police Station
Salem District

.. 2nd Respondent/Respondent/Complainant

3.Amsavalli

...3rd Respondent/Defacto complainant

Prayer : Criminal Appeal filed under Section 14-A of the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 read with 374 (3) of Cr.P.C. praying to set aside the order passed in bail petition in C.M.P.No.2356 of 2021 in Crime NO.408 of 2021 dated 29.07.2021 on the file of Principal Sessions Judge, Salem and enlarge the appellant on bail pending Crime No.408 of 2021 on the file of the 2nd respondent police.

For Appellant : Mr.W.Camyles Gandhi

For Respondents 1 &2: Mr.S.Sugendran
Government Advocate (Crl.Side)

J U D G M E N T

(The case has been heard through video conference)

This Criminal Appeal has been filed seeking to set aside the order dated 29.07.2021 in C.M.P.No.2356 of 2021 passed by the Principal Sessions Judge, Salem, and to enlarge the appellant on bail in Crime No.408 of 2021 on the file of the 2nd respondent police.

2. The appellant is A1 in Crime No.408 of 2021. Originally the case was registered against 5 persons. The defacto



complainant is the President of T.Konagapaddy Panchayat. On 22.07.2021 at about 10.30 a.m. while she was on duty at her office, the accused came to her office and demanded house tax receipt and also physically assaulted and humiliated her by using her caste name in public. Therefore, the case was registered against the appellant and others for the offence punishable under Sections 147, 294(b), 332, 323, 506(i) IPC read with 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act following which, the appellant was arrested and remanded to judicial custody on 24.07.2021. Subsequently, the appellant filed a petition before the Principal Sessions Judge, Salem, seeking grant of bail and the same was dismissed by the learned Sessions Judge by order dated 29.07.2021. Therefore, the appellant has filed this present Criminal Appeal before this Court.

3. The learned Counsel for the appellant would submit that the appellant is the 5th Ward Member of the said Panchayat and he has not involved in any offence. Further, on the date of occurrence, the appellant was not in town and he was not present in the scene of occurrence. In fact the defacto complainant was not at all present in the said office on the date of occurrence and a false case has been foisted against the appellant due to previous motive. He would further submit that the petitioner was arrested and remanded to judicial custody on 24.07.2021 and he has been in judicial custody for more than 20 days. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant is the President of T.Konagapaddy Panchayat and the appellant is the 5th Ward Member. On the date of occurrence, the appellant along with other accused had gone to the defacto complainant's office and demanded house tax receipts for which the Clerk one Manikandan has replied that the concern person for whom the receipt is to be issued, should appear in person and the defacto complainant also directed to do so. At that time, the appellant along with other accused abused the defacto complainant by using her caste name and filthy language and there is a specific overt-act against the appellant. Therefore, if the petitioner is released on bail, there is every possibility of the appellant tampering the witnesses which would affect the investigation. Hence, he vehemently opposed for grant of bail.

5. Heard the learned Counsel appearing for the appellant and the learned Government Advocate (Crl Side) appearing for the respondent police and perused the materials on record.

6. Considering the nature of offence that the petitioner being a ward member, has behaved rudely with his colleague who is a public servant and restrained her from doing her work and



that there is a specific over-act against the appellant. Therefore, this Court is not inclined to grant bail to the appellant.

7. Accordingly, this Criminal Appeal is dismissed.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Salem
2. The Judicial Magistrate,
Omalur.
3. The Superintendent,
Sub Jail, Atttur.
4. The Deputy Superintendent of Police
Omalur, Salem District
5. The Inspector of Police
Tharamangalam Police Station
Salem District
6. The Public Prosecutor Officer,
High Court, Madras.
7. The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.39336

Criminal Appeal No.371 of 2021

BP(CO)
RGA(26/08/2021)