



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.A.NO.180 OF 2022

K.Jayammal

... Petitioner/2nd Accused

vs.

1. The Deputy Superintendent of Police,
Salem.

2. The State represented by
The Sub-Inspector of Police,
Panamarathupatty Police Station,
Salem.

3. Sellammal

... Respondents/Complainant

Prayer: Criminal Appeal filed under Section 14A of SC/ST Act, to set aside the order passed in C.M.P.No.470 of 2022 dated 02.02.2022 passed by the learned Principal Sessions Judge, Salem and enlarge the petitioner on bail in Crime No.3 of 2022 on the file of the 1st respondent, Panamarathupatty Police Station.

For Appellant : Mr.S.Venkatesh

For Respondents-1 & 2 : Mr.Leonard Arul Joseph Selvam
Govt. Advocate (Crl. Side)

For Respondent-3 : No appearance

O R D E R

Being dissatisfied with the order dated 02.02.2022 in C.M.P.No.470 of 2022 on the file of the Principal Sessions Court, Salem, the appellant, who was arrayed as accused No.2 in Crime No.3 of 2022 of Panamarathupatty Police Station, has preferred this appeal, praying to set aside the order dated 02.02.2022 and to enlarge her on bail.



2. The case of the prosecution is that the defacto complainant and her husband are working in the appellant's agricultural land as coolie for the past four years. Out of the income derived as agricultural coolie, the defacto complainant has saved Rs.4,00,000/- and later entrusted the same to the appellant as well as to her husband, who was arrayed as accused No.1 along with gold jewels for the purpose of safety. Thereafter, when at the time the defacto complainant requested to return the said properties, the appellant and her husband did not return the said amount along with jewels. When the same was questioned by the defacto complainant on 04.01.2022 at about 5.30 p.m., the appellant and her husband scolded the defacto complainant by using the abusive words also insulted the defacto complainant by using caste name. Furthermore, they poured the boiling water on the defacto complainant's face and caused burn injury to her. Hence, a case has been registered as against the appellant and her husband for the alleged offences under Sections 406, 294(b), 323, 354, 307, 506(i) IPC r/w Section 3 (1) (s), 3(2) (v), 3(2) (Va) of the SC & ST (POA) Act.

3. Learned counsel for the appellant would submit that the appellant is an innocent person and she has been falsely implicated in this case. He would further submit that the appellant herein was remanded to judicial custody on 09.01.2022 and she was still in judicial custody. As of now, a portion of the investigation has been completed. The Lower Appellate Court without considering the period of incarceration and other things dismissed the petition filed by the appellant. Therefore, the appellant is before this Court with the present appeal.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the other accused in this case after getting a favourable order for considering the bail application filed by him on the same day, till now not surrendered before the Court concerned for executing the bail bond. Further, the material objects alleged to be misappropriated, have not been recovered and therefore, if the appellant is released on bail, she may try to tamper the witnesses and hamper the investigation.

5. Though notice has been sent to the defacto complainant, after receipt of the same none appeared on behalf of the defacto complainant either in person or through counsel.

6. Therefore, now on considering the submissions made by the learned counsel appearing on either side, the averment found in the F.I.R. would disclose the fact that during the relevant point of time, the appellant and her husband received a sum of Rs.4,00,000/- and gold jewels from the defacto complainant. In



fact, the defacto complainant is an agricultural coolie, working under the appellant's farm for the past four years. Even after made refuse to return the said amount, the appellant herein poured boiling water on the face of the defacto complainant. Therefore, the alleged offence committed by the appellant is nothing but a heinous one. Further, the accused in this case has not been surrendered so far. In the said circumstances, if this type of appellant is released on bail, she may try to tamper the witnesses and hamper the investigation.

Hence, the Criminal Appeal is dismissed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Salem.
2. The Deputy Superintendent of Police,
Salem.
3. The Sub-Inspector of Police,
Panamarathupatty Police Station,
Salem.
4. The Public Prosecutor,
High Court, Madras.

Crl.A.No.180 of 2022

MG(CO)
RLP(12/04/2022)