



Crl.A.(MD).No.1079 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.12.2023

Pronounced on : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Nithiya

... Appellant/Accused No.2

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Karur,
Karur District.

...1st Respondent/Investigating
Officer

2.The Inspector of Police,
K.Paramathi Police Station,
Karur District.
(Crime No.173 of 2023)

...2nd Respondent/Complainant

3.Thangaraj

...3rd Respondent/De-facto
Complainant

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC/ST, 1989 as amended by Act 1 of 2016), to call for the records relating to the order passed in Cr.M.P.No.1907 of 2023, dated 24.11.2023 on the file of the Principal District & Sessions Judge (FAC), Karur and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.



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For Appellant : Mr.M.Veeravelpandi
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Mr.Thangaraj (Party in Person)

JUDGMENT

This Criminal Appeal has been filed to set aside the order dated 24.11.2023 made in Cr.M.P.No.1907 of 2023 on the file of the learned Principal District & Sessions Judge (FAC), Karur and grant bail to the appellant by allowing this Criminal Appeal.

2. According to the prosecution the appellant and other accused said to have committed the offence punishable under Sections 302 and 379 of IPC r/w Section 3(2)(v) of SC/ST Act.

3. The case of the prosecution is that the defacto complainant runs a meat shop and his deceased wife Roopa is the 7th Ward councilor in Chennasamudram Municipality. She was working as a housekeeper for the past 4 months at a residence owned by one Ramalingam. On 25.09.2023 at



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about 9.45 a.m. the deceased left for work and did not return home until 5.00 p.m. When the defacto complainant attempted to contact on her phone, he couldn't reach her. The defacto complainant enquired at his wife's workplace, where they informed him that she had last come to work on 23.09.2023. Thereafter, the defacto complainant searched for her wife Roopa. On 26.09.2023, the defacto complainant lodged a complaint before the Kodumudi Police Station. A case was registered in Crime No.173 of 2023 for the offence under Sections 302 and 379 of IPC. After investigation, it was found that the appellant and her husband had killed the deceased Roopa for gain and hence they were arrested and remanded to judicial custody.

4. Therefore, the appellant has filed a petition for bail in Crl.M.P.No. 1907 of 2023, before the learned Principal District and Sessions Judge (FAC), Karur and the same was dismissed on 24.11.2023. Challenging the same, the appellant has preferred this Criminal Appeal.

5. The learned counsel for the appellant would submit that the appellant did not involve in any occurrence as alleged by the prosecution. He further submitted that the appellant name is not mentioned in the FIR and she



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was not at all present in the occurrence place. The appellant is in custody from 27.09.2023 for more than three months and having two female children. Hence, he seeks to grant bail to the appellant.

6. The learned Additional Public Prosecutor appearing for the respondent police submitted that the appellant and his husband/Accused No.1 had kidnapped the deceased by two wheeler and attacked her with stone and also caused grievous injuries to her. Due to the injuries, she died on the spot. He further submitted that the investigation is still pending and therefore, he strongly objected to allow this appeal.

7. The third respondent/de-facto complainant appeared in person and he strongly objected to release the appellant on bail.

8. On hearing both and on perusal of the records of the case, it is clear that the petitioner who is Accused No.2 in this case and the deceased Roopa are friends and they are maiden by profession. It is alleged that the deceased used to wear jewels and the petitioner along with her husband with intention to grab her jewels, they took the deceased in their two wheeler to the



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occurrence place and sprayed using hit box, while the deceased tried to escape the petitioner indiscriminately put the stone on her head and caused death of the deceased, thereafter the accused snatched the gold jewels from the body of the deceased. The learned Additional Public Prosecutor strongly objected for bail by producing a photo in which it reveals that the petitioner's husband was riding two wheeler along with the petitioner and the deceased as pillion riders. This was not refused by the petitioner. Considering the prima facie evidence and also considering the nature and gravity of offence, this Court is not inclined to allow the criminal appeal and to grant bail.

9. In the result, this Criminal Appeal is dismissed.

12.01.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
VSD



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To

- 1.The Principal District & Sessions Judge (FAC),
Karur.
- 2.The Deputy Superintendent of Police,
Karur,
Karur District.
- 3.The Inspector of Police,
K.Paramathi Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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