



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL MP(MD) No.5312 of 2016

IN

CRL OP(MD) No.8300 of 2016

R.ANANDHA VENKADESH

..PETITIONER/DEFACTO COMPLAINANT

Vs.

STATE REP.BY

1 THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION,
DINDIGUL.

CR.NO. 287 OF 2016

..RESPONDENT/COMPLAINANT

2 NIRANJAN KUMAR

3 SEENIVASAN

4 SANTHANALAKSHMI

5 ISHWARYA

..RESPONDENTS/PETITIONERS 1-4

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the Anticipatory Bail granted to the respondents 2 - 5 herein by this Honourable High Court in Crl.O.P.(MD)No.8300 of 2016 dated 25.05.2016.

Prayer in CRL OP(MD). 8300/ 2016 :

Petition filed under Section 438 Cr.PC., praying this court, for Anticipatory Bail in Cr.No.287/2016 on the file of the respondent police.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S N.SATHISH BABU, Advocate for the petitioner and of Mr.K.ANBARASAN, Government Advocate (Crl.Side) on behalf of the first respondent, the court made the following order:-

The petitioner/defacto complainant has filed this petition seeking for cancellation of anticipatory bail granted by this Court in Crl.O.P(MD)No.8300 of 2016, dated 25.05.2016.

2.The respondents 2 to 5/Accused Nos.1 to 4 are charged for the offences under Sections 147, 294(b), 324 and 506(i) IPC in Crime No.287 of 2016.

3.The respondents 2 to 5/Accused No.1 to 4 have filed Crl.O.P (MD)No.8300 of 2016 for anticipatory bail and this Court by order, dated 25.05.2016, granted anticipatory bail to the respondents 2 to 5/Accused Nos.1 to 4.



4. According to the petitioner/defacto complainant, the respondents 2 to 5/Accused Nos.1 to 4 are residing in the ground floor, where the petitioner is residing in the first floor. Due to dispute with regard to the parking of vehicles, the respondents 2 to 5/Accused Nos.1 to 4 attacked the petitioner with wooden log and his left eye was seriously injured. He was admitted in Government Head Quarters Hospital, Dindigul and subsequently, admitted in Devadoss Multi-speciality Hospital, Madurai. The respondents 2 to 5/Accused Nos.1 to 4 filed Crl.M.P.No.203 of 2016 before the Vacation Sessions Court, Dindigul for anticipatory bail and the petitioner filed intervening petition in Crl.M.P.No.242 of 2016. On 24.05.2016, the learned Vacation Sessions Judge, Dindigul, dismissed Crl.M.P.No.203 of 2016 filed by the respondents 2 to 5/Accused Nos.1 to 4. The respondents 2 to 5/Accused Nos.1 to 4 filed Crl.O.P(MD)No.8300 of 2016 before this Court suppressing the fact that already the learned Vacation Sessions Judge, Dindigul dismissed the petition filed by the respondents 2 to 5/Accused Nos.1 to 4 in Crl.M.P.No.203 of 2016. In Crl.O.P(MD)No.8300 of 2016, the petitioners have stated that this the first anticipatory bail petition filed before this Court. The first respondent Police did not properly instruct the learned Government Advocate (Criminal Side) and the learned Government Advocate (Criminal Side) submitted that the injured person has already been discharged from the hospital. Therefore, prayed for cancellation of anticipatory bail to the respondents 2 to 5/Accused Nos.1 to 4 .

5. The learned Government Advocate (Criminal Side) submitted that the learned Vacation Sessions Judge, Dindigul dismissed the petition filed by the respondents 2 to 5/Accused Nos.1 to 4 in Crl.M.P.No.203 of 2016, on 24.05.2016. At that time, the petitioner was in the hospital and he was not discharged. This Court granted anticipatory bail on 25.05.2016 and at that time, the petitioner was discharged. Due to that, a representation was made before this Court that injured person has already been discharged from the hospital.

6. Even though notices were served on the respondents 2 to 5/Accused Nos.1 to 4 and their names were printed in the cause-list, there is no representation for the respondents 2 to 5/Accused Nos.1 to 4 and on 28.07.2016, this Court directed the Registry to verify whether any vakalath has been filed on behalf of them and directed the Registry to post the matter today.

7. Today, when the matter is called, there is no representation for the respondents 2 to 5/Accused Nos.1 to 4.

8. The contention of the learned counsel for the petitioner for cancellation of anticipatory bail is that the respondents 2 to 5/Accused Nos.1 to 4 suppressed the fact that the anticipatory bail petition filed before the Vacation Sessions Court, Dindigul, in Crl.M.P.No.203 of 2016 was dismissed on 24.05.2016 and without disclosing the same, they have filed a petition before this Court in



Crl.O.P(MD)No.8300 of 2016 stating that this is the first anticipatory bail petition and no such petition is filed before this Court or any other Court.

9.It is seen from the records that the respondents 2 to 5/Accused Nos.1 to 4 have filed anticipatory bail petition in Crl.M.P.No.203 of 2016 before the Vacation Sessions Court, Dindigul, and while the same was pending, they have also filed Crl.O.P(MD) No.8300 of 2016 before this Court without disclosing the pendency of the petition filed before the Vacation Sessions Court, Dindigul. No doubt, this Court granted anticipatory bail to the respondents 2 to 5/Accused Nos.1 to 4 on 25.05.2016, after dismissal of the anticipatory bail petition filed by the respondents 2 to 5/Accused Nos.1 to 4 before the Vacation Sessions Court, Dindigul. But, the fact remains that both the petitions were pending at the same time before the Vacation Sessions Court, Dindigul and before this Court.

10.Considering the fact that the respondents 2 to 5/Accused Nos.1 to 4 have not brought to the notice of this Court about the dismissal of the earlier anticipatory bail petition filed by the respondents 2 to 5/Accused Nos.1 to 4 before the Vacation Sessions Court, Dindigul in Crl.M.P.No.203 of 2016, on 24.05.2016, this petition is allowed and the anticipatory bail granted to the respondents 2 to 5/Accused Nos.1 to 4 is cancelled.

sd/-

08/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE VACATION SESSIONS JUDGE, DINDIGUL.
- 2 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.
- 3 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,DINDIGUL.
- 4 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 5 THE INSPECTOR OF POLICE, TOWN WEST POLICE STATION, DINDIGUL.

+1. C.C. to M/S N.SATHISH BABU Advocate SR.No.42766

ORDER IN

CRL MP (MD) No.5312 of 2016
IN

CRL OP (MD) No.8300 of 2016

Date :08/08/2016

PBK/GSV-PM/SAR-I 18/08/2016 ::3P-7C::