



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

Thursday, the Twenty Fourth day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18885 of 2016

1 NIRAJAN KUMAR
2 SEENIVASAN
3 SANTHALAKSHMI
4 AISHWARYA

... PETITIONERS/ACCUSED Nos.1 to 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.
CR NO. 287/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate
For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)
For Intervenor : MR.M.SATHISH BABU, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 324, 506(i) IPC in Crime No.287 of 2016 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de fact complainant is residing in the ground floor and the petitioners are residing in the 1st floor in an apartment. Due to the dispute regarding parking the vehicles in the apartment where they are residing, the petitioners assaulted the de facto complainant with wooden log and that his left eye was severely injured.

3.It is submitted by the learned counsel for the petitioner that injured person has been discharged from the hospital. After the above said occurrence, the petitioners vacated the premises. He also submitted that earlier this Court by order dated 25.05.2016 granted anticipatory bail to the petitioners in Crl.O.P.(MD)No.8300 of 2016 and the petitioners complied with the conditions imposed thereon and the cancellation of anticipatory bail was not known by the petitioners. He further submitted that as the injured person has been discharged from the hospital, the petitioners may be granted anticipatory bail by imposing any stringent conditions.



4.The learned counsel for the intervenor produced the photographs of the injured person, who has sustained injury on his eye.

5.Heard the learned counsel for the petitioners, learned Government Advocate (Crl.side) and the learned counsel for the intervenor.

6.It is seen that the de facto complainant filed a petition in Crl.M.P.(MD)No.5313 of 2016 before this Court for cancellation of anticipatory bail stating that the petitioners filed anticipatory bail petition before the District Court on 23.05.2016 and also a petition for anticipatory bail before this Court in Crl.O.P.(MD) No.8300 of 2016. In this petition, the petitioners have stated in paragraph No.7 as:

"7.The petitioner submit that this is the 1st anticipatory bail application filed before this Hon'ble Court and no such bail application filed before this Hon'ble Court or any other forum."

This Court by order dated 08.08.2016 in Crl.M.P.(MD)No.5312 of 2016 cancelled the anticipatory bail granted in Crl.O.P.(MD)No.8300 of 2016, by observing that the accused Nos.1 to 4 have already filed an anticipatory bail petition in Crl.M.P.No.203 of 2016 and the same was dismissed by the Vacation Sessions Court, Dindigul on 24.05.2016. However, while filing the petition in Crl.O.P.(MD) No.8300 of 2016, they have stated in the affidavit as "this is the first anticipatory bail petition and no such petition is filed before this Court or any other Court.

7.Considering the facts and circumstances of the case and also taking note of the fact that the petitioners, by suppressing the fact obtained anticipatory bail, they shall not be shown any indulgence. Accordingly, this Criminal Original petition is dismissed.

sd/-
24/11/2016

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE, DINDIGUL.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE INSPECTOR OF POLICE, DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.

+1. CC to M/S.M.SATHISH BABU Advocate SR.No.72756

ORDER IN

CRL OP(MD) No.18885 of 2016

Date :24/11/2016