

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.17682 of 2019

N.M.Shivan

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Namakkal Police Station,
Namakkal.

2.P.Ganesan
3.K.Natarajan
4.M.Subramani

... Respondents

Prayer: Criminal Original Petition filed under Section 439(2) Cr.P.C. to cancel the bail granted to respondents in Crl.M.P.No.845 of 2019 on the file of Court of the Vacation Sessions Judge/Principal Sessions Judge, Namakkal dated 22.05.2019.

For Petitioner : Mr.M.Saravanakumar

For Respondent-1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to cancel the anticipatory bail granted to the respondents in Crl.M.P.No.845 of 2019 by an order dated 22.05.2019 on the file of the Vacation Sessions Judge/Principal Sessions Judge, Namakkal.

2. The learned Counsel for the petitioner would submit that the respondents have stated wrong particulars in the Court below and obtained anticipatory bail. He would further submit that the petitioner has sustained grievous injuries and admitted in the hospital on 15.05.2019 and he has taken treatment for 10 days and discharged only on 25.05.2019. Whereas the Court below granted anticipatory bail to the respondents 2 to 4 recording the reason that the injured was discharged from the hospital. The Court below granted anticipatory bail to the respondents 2

to 4 on 22.05.2019. He would also submit that after granting anticipatory bail, the respondent 2 to 4 threatened the petitioner to execute the sale deed in their favour. Therefore, he sought for cancellation of anticipatory bail granted to the respondents 2 to 4.

3. The learned Additional Public Prosecutor would submit that the petitioner was attacked by the respondents 2 to 4 on 15.05.2019 and as such he sustained grievous injuries and admitted in the hospital on the same day. The respondents 2 to 4 also have filed anticipatory bail before the Court in CrI.M.P.No.845 of 2019 for their apprehension of arrest in Crime No.300 of 2019 registered under Sections 341,294(b),323,324,506 (ii) of IPC on the file of the 1st respondent police. The court below considered their anticipatory bail application and also considered the objections raised by the 1st respondent at the time of granting anticipatory bail to the respondents 2 to 4.

4. It is also seen that the Court below recorded the submissions made by the learned Public Prosecutor, as the injured person discharged from the hospital and on that reason granted anticipatory bail to the respondents and also that one of the accused was suffering from Kidney disease and also aged above 65 years. Considering all the above points the Court below granted anticipatory bail to the respondents 2 to 4.

5. It is also seen from the petition for anticipatory bail filed by the respondents 2 to 4, they have not suppressed or not furnished any false particulars as submitted by the learned counsel for the petitioner. Further it is also seen that after granting anticipatory bail the petitioner also did not produce any complaint before this Court as if the respondents 2 to 4 have indulged in threatening the petitioner to execute the sale deed in their favour. Therefore, this Court is not inclined to cancel the anticipatory bail granted by the Court below.

6. Accordingly this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Vacation Sessions Judge/
Principal Sessions Judge,
Namakkal.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Saravana Kumar, Advocate, S.R.No.60112

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VD(CO)
SSM(29/08/2019)



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