

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6585 of 2020

1 BAKKIYARAJ
2 ANANDI
3 SUSEELA
4 PONNAMMAL

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARIYAKOVIL POLICE STATION,
SALEM DISTRICT.
CR.NO.8 OF 2020.

[RESPONDENT]

For Petitioner : M/S.L.MOULI Advocate

For Respondent : MR.S.KARTHIKEYAN ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

Petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 323, 326 and 506(ii) of IPC. in Crime No.8 of 2020, seek anticipatory bail.

2. Case of the prosecution is that the defacto complainant has lodged a complaint against the petitioners alleging that there was a property dispute between the petitioners and the defacto complainant for the past 15 years. While so, on 16.02.2020, the petitioners and the family members, quarrelled with the defacto complainant and his family and due to the wordy quarrel, the petitioners attacked the defacto complainant with stick and stones and the first petitioner bit the defacto complainant's son's left ear and removed the same and that the petitioners threatened the defacto complainant and their family members with dire consequences. Hence, the complaint.

3.Learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the alleged offence. He would further submit that there was a civil dispute between the petitioners and the defacto complainant with regard to pathway and due to the previous enmity between the petitioners and the defacto complainant, the defacto complainant had quarrelled with the first petitioner while he was going to his land.

Thereafter, the defacto complainant, his son Chinnadurai, his wife Vellachi and Chinnadurai's wife Unnalamai came to the petitioner's house and abused the first petitioner with filthy language and assaulted the first petitioner with wooden log and stone. When the neighbour interfere, the defacto complainant had left the place and the first petitioner was taken to Government Hospital, Attur for treatment for the injuries sustained. While so, on 18.02.2020, the respondent came to the hospital and recorded the complaint given by the first petitioner and based on the said complaint, a case was registered against the defacto complainant and his family members in Crime No.9 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Opposing the above prayer, learned Additional Public Prosecutor would submit that without there being any basis, the learned counsel appearing for the petitioners, has made a false representation stating that the petitioners are no way connected with the alleged offence. He would further submit that when the first petitioner has assaulted the defacto complainant, he has gone to the extent of biting the left ear of the son of the defacto complainant and thereby causing grievous injury to his ear. This apart, the petitioners have filed a petition in C.M.P. No.852 of 2020 before the Principal Sessions Court, Salem, which by its order dated 11.03.2020 dismissed the petition.

5. Considering the facts and circumstances of the case and taking note of the fact that since the left ear of the son of the defacto complainant was completely teared by the first petitioner, this Court is not inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

20/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
KARIYAKOVIL POLICE STATION,
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.L.MOULI Advocate on payment of necessary charges
SR.NO. 5501

CRL OP.6585/2020

Date :20/03/2020

RD 01/06/2020

<https://hcservices.ecourts.gov.in/hcservices/>