

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.NO.7551 of 2020

1. Siva Kumar

2. Nishanth

3. Prakesh

4. Aravind

5. Vijaya Kumar

6. Vignesh

7. Jayakumar

8. Jothish

9. Udhayakumar

..... Petitioners/Accused 1 to 9

Vs.

State Rep by Inspector of Police,

K.V.Kuppam Police,

Vellore District,

(Crime No.130/2020)

..... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.130 of 2020 on the file of the Inspector of Police, K.V.Kuppam Police Station, Vellore District.

For Petitioners : M/s.K.Srinivasan,
G.Vinodhkumar
M.P.Yuvaraj

For Respondent : Mr.T.Shunmuga Rajewaran,
Government Advocate.

ORDER

Apprehending arrest for the offences punishable under sections 147, 148, 294(b), 323, 324, 307, 506(ii) IPC r/w section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.130 of 2020, on the file of the respondent police, the petitioners have come forward with the petition seeking for Anticipatory Bail.

2. Briefly stated, according to the prosecution case, on 06.04.2020, at about 11.45 hours, the petitioners on account of land dispute with the defacto complainant entered into the house of the defacto complainant and A2 Sivakumar armed with knife, A3 Nishanth armed with an iron rod and the other accused armed with bricks and sticks and A1 Udhayakumar shouted at the defacto complainant to close the rice mill by using filthy language and when the defacto complainant questioned him, A2 attacked the defacto complainant with knife and when the defacto complainant attempted to escape from the attack, she sustained grievous injuries in the right hand index finger and middle finger. Further, the defacto complainant was pulled out from the house and pushed down by A1 and the other accused attacked her with bricks, arms and legs and further, when the defacto complainant's brother attempted to protect her, he was also

indiscriminately attacked by the accused and the accused also threatened and intimidated the defacto complainant and her brother with dire consequences and attempted to commit the murder of the defacto complainant and her brother and thus it is put forth that the accused had committed the offences levelled against them.

3. According to the petitioners' counsel, the case has been falsely lodged by the defacto complainant on account of the property dispute with a view to grab the entire property and they have not committed the offences levelled against them and it is further stated that the defacto complainant has been discharged from the hospital and there is no grievous injury and the petitioners are ready to cooperate with the investigation and abide with any condition that may be imposed by this Court and accordingly, prayed for the appropriate relief.

4. Per contra, according to the learned Public Prosecutor, the accusation levelled against the petitioners are serious in nature and due to the attack inflicted upon the defacto complainant by the accused, the defacto complainant had sustained grievous injuries and her brother also sustained injuries and though they were discharged from the hospital, the injuries sustained by the defacto complainant are grievous in nature. Further,

according to the learned Public Prosecutor, there is a previous case with reference to the similar offences against the petitioners and the investigation is still pending and in such view of the matter, according to him, if the petitioners are granted bail, they may cause obstacles to the process of fair and proper investigation and flee from justice and therefore, strongly opposed the same.

5. Considering the serious nature and gravity of the offences levelled against the petitioners and the stage of the investigation and as there is a previous case pending against the petitioners and the overacts attributed against the petitioners and the attack inflicted upon the defacto complainant and her brother and the apprehension of the prosecution that the grant of pre-arrest bail in favour of the petitioners would cause obstacles to the process of fair and free investigation, not to be easily discarded, in all, I am not inclined to grant the relief sought for by the petitioners.

6. For the reasons aforesaid, the criminal original petition is dismissed.

13.05.2020

Index : Yes/No

Internet : Yes/No

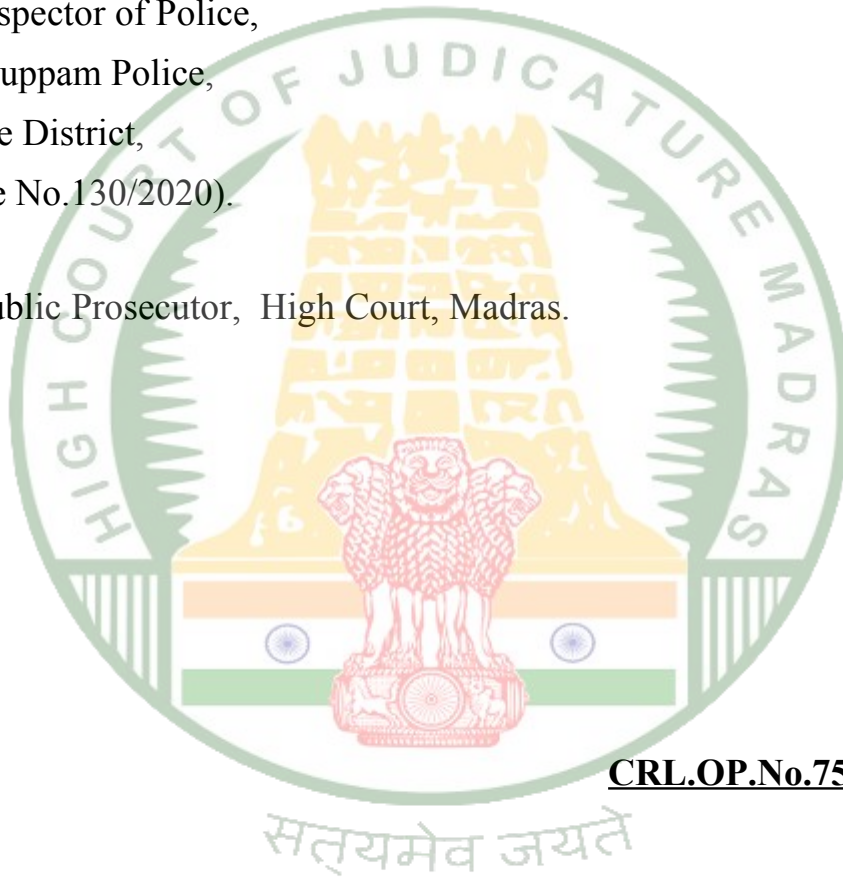
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T.RAVINDRAN,J

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To:

1. The Inspector of Police,
K.V.Kuppam Police,
Vellore District,
(Crime No.130/2020).
2. The Public Prosecutor, High Court, Madras.



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