

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CrI.O.P. No.8014 of 2020

- 1.Nishanth, M/A.27 years,
S/o.sivakumar.
- 2.Prakash, M/A.23 years,
S/o.Jayakumar.
- 3.Aravinth, M/A.57 years,
S/o.Udaiyakumar.
- 4.Vijayakumar, M/A.57 years,
S/o.Thangavel.
- 5.Vignesh, M/A.29 years,
S/o.Vijayakumar.
- 6.Jayakumar, M.A.49 years,
S.o.Thangavel.
- 7.Jothesh, M/A.26 years,
S/o.Jayakumar.

All are residing at

Gangamkuppam Village & Post,
Katpadi Taluk,
Vellore District.

.. Petitioners / Accused No.3 to 9

Vs.

The State represented by
The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.

.. Respondent / Complainant

[Crime No.130 of 2020]

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioners : Mr.K.Srinivasan

For Respondent : Mr.M.Jothikumar

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 307, 506(ii) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.130 of 2020, seek anticipatory bail.

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2.The case of the prosecution is that, due to land dispute the petitioners and other accused on 06.04.2020 at 11.45 hours entered into the house of the

defacto complainant, abused her and attacked the defacto complainant with iron rods. The defacto complainant injured on her index and middle fingers. The brother of the defacto complainant tried to protect her, the accused persons attacked him also and threatened the defacto complainant and her brother with dire consequences. On complaint, case has been registered under Sections 147, 148, 294(b), 323, 324, 307, 506(ii) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3.The learned counsel appearing for the petitioners submitted that the 1st petitioner is IIIrd year B.Tech student in SRM University, the 3rd petitioner is working in Bangalore and there is no specific overtact attributed against the petitioners. The allegations that petitioners attacked the defacto complainant with bricks, arms and legs were falsified by the discharge summary issued by the CMC Hospital, Vellore. This Court while dismissing the 1st anticipatory bail petition filed in CrI.O.P.No.7551 of 2020 on 13.05.2020, failed to consider the fact that defacto complainant was discharged from hospital. A false complaint is given by the defacto complainant only to prevent the petitioners from enjoying their property. The petitioners have given complaint against the defacto complainant and the

same is pending in C.S.R.No.89 of 2020 on the file of the respondent Police. In earlier Crime No.75 of 2020, the petitioners were granted anticipatory bail by the Sessions Judge, Vellore, considering the relationship between the parties and prayed for granting anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that due to land dispute between the accused persons and defacto complainant, the petitioners and other accused persons entered into the house of the defacto complainant, attacked the defacto complainant and her brother. Cr1.O.P.No.7551 of 2020 filed by the petitioners along with two other accused persons was dismissed by this Court on 13.05.2020. Now there is no change of circumstances for granting anticipatory bail and prayed for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Taking into consideration of facts, serious nature of allegations made

against the petitioners, dismissal of Crl.O.P.No.7551 of 2020 on 13.05.2020 and there is no change of circumstances from 13.05.2020, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

29.05.2020

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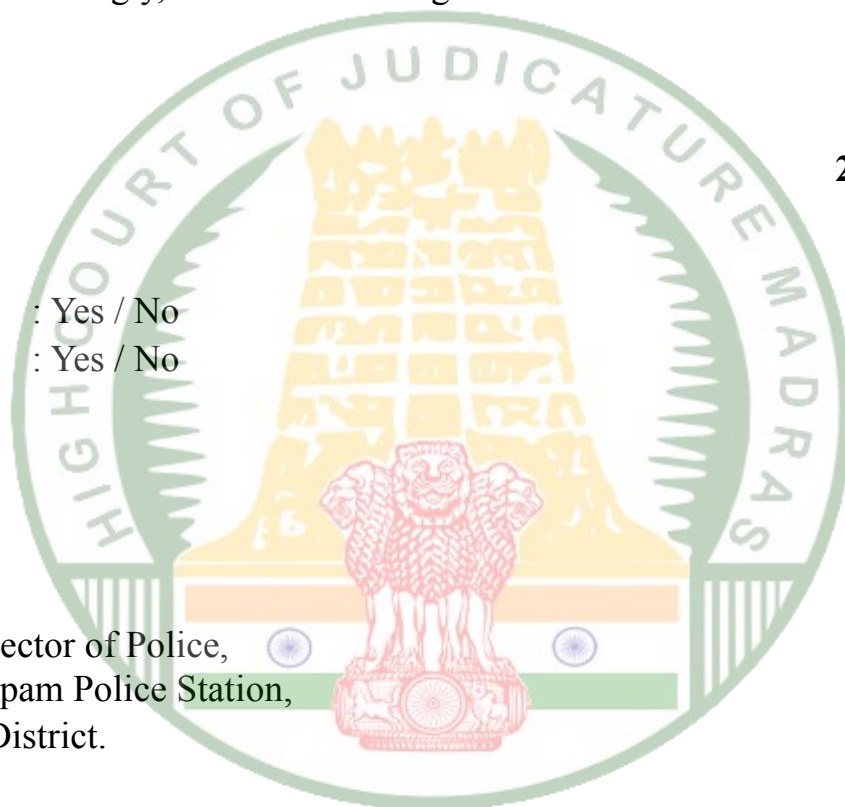
Index : Yes / No

Internet : Yes / No

To

1.The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.

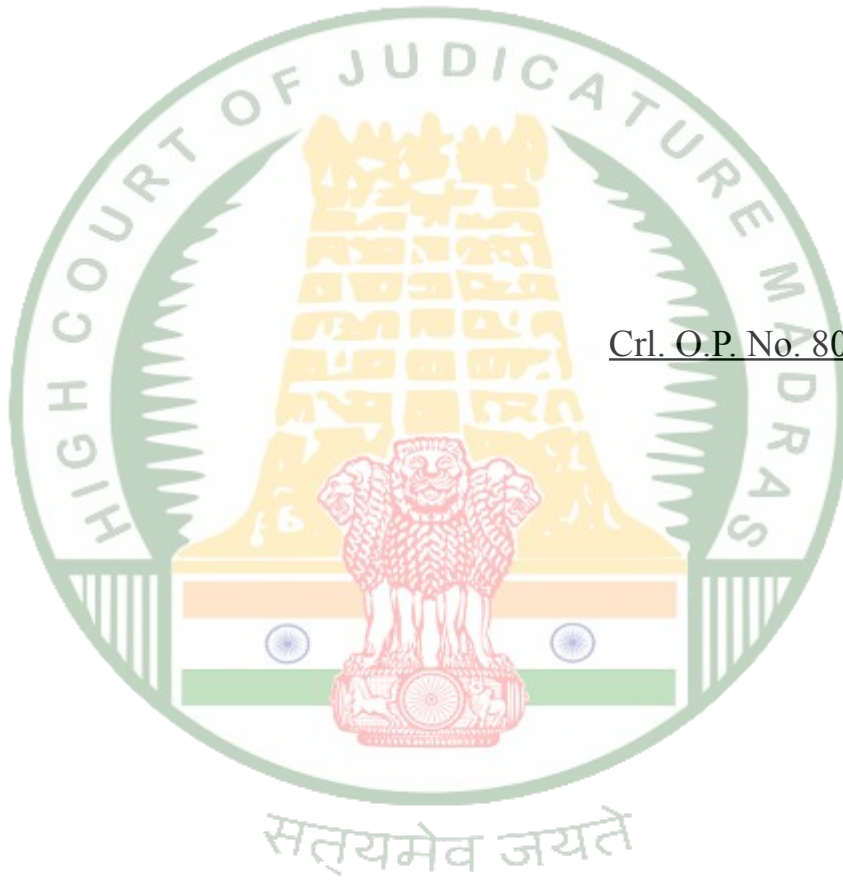
2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

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Crl. O.P. No. 8014 of 2020

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