

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 23.06.2020**

**CORAM:**

**THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**CRL.O.P.NO. 8259 of 2020**

1. K.Vallarasu,  
S/o, Kandasamy

2. K.Kaviarasan,  
S/o, Kandasamy

both are residing at  
187, Gandhi Nagar,  
Ambedhkar Nagar,  
Nazhikalpatty village,  
Salem Taluk and District.

... Petitioners/A4 & A5

Vs.

State rep. By  
The Inspector of Police,  
Mallur Police Station,  
Salem District.

... Respondent

**Prayer** : Criminal Original Petition filed under Section 438 Cr.P.C., to  
enlarge the petitioner on bail in the event of arrest in Crime No.139 of  
2019 on the file of the respondent police.

For Petitioners : Mr.B.Vasudevan  
For Respondent : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

**ORDER**

The Petitioners who are apprehending to arrest by the respondent police for the offences punishable under Sections 302, 324, 506(ii) IPC in Crime No. 139 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that there is a wordy quarrel arose between the deceased and the accused during celebrating Vinayagar festival. A1 to A3 assaulted the deceased. One witness Saravana kumar intervened. A3 assaulted the intervener with knife. A1 assaulted the mother of the deceased, who is the defacto complainant. She lodged a complaint against the accused persons. The respondent police registered the case.

3. The learned counsel for the petitioners submitted that the petitioners denied all the allegations and they are undertake to abide

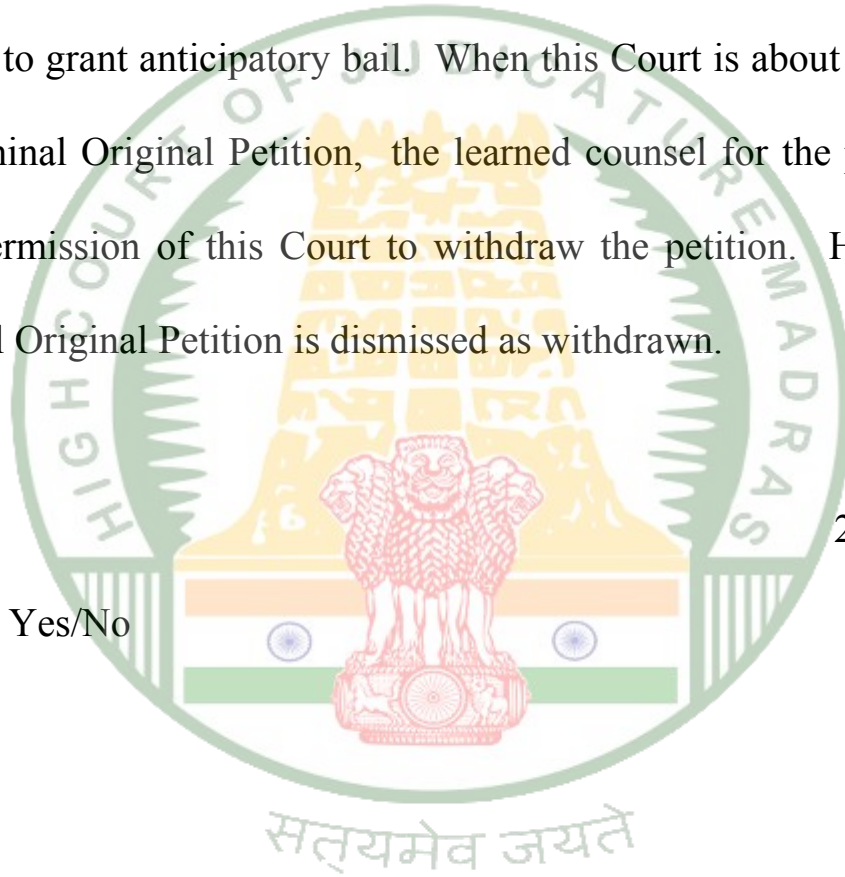
any condition imposed on them. Further he submitted that A6 granted anticipatory bail by this Court. The first petitioner is studying III year BA and the second petitioner is the brother of the first petitioner and they are innocent and they are falsely implicated in this case. Hence, he requested to grant anticipatory bail.

4. The learned Additional Public Prosecutor submitted that dispute arose between the deceased and the accused during Vinayagar Chathurthi festival. A1 to A3 waylaid the deceased and assaulted him with knife. Thereafter, A3 assaulted the intervener also. Investigation reveals that A4 , A5 and A6 also present at the scene of occurrence. A4 and A5 are friends of A1 to A3, in which A4 and A5 are petitioners herein. Further he submitted that according to investigation, all six accused are participated in the crime. First petitioner was arrested and remanded to judicial custody and the second petitioner was absconding. Hence, he opposed to grant anticipatory bail to the second petitioner.

5. It is seen that the first petitioner was arrested and remanded to judicial custody, and this petition has become infructuous as far as the first petitioner is concerned. As far as the second petitioner is concerned, there is a specific allegation and therefore this Court is not inclined to grant anticipatory bail. When this Court is about to dismiss the Criminal Original Petition, the learned counsel for the petitioners seeks permission of this Court to withdraw the petition. Hence, this Criminal Original Petition is dismissed as withdrawn.

23.06.2020

Internet: Yes/No  
mfa



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To

1. The Judicial Magistrate No.6,  
Salem.
2. The Inspector of Police,  
Mallur Police Station,  
Salem District.
3. The Public Prosecutor,  
High Court, Madras.

**Copy to**

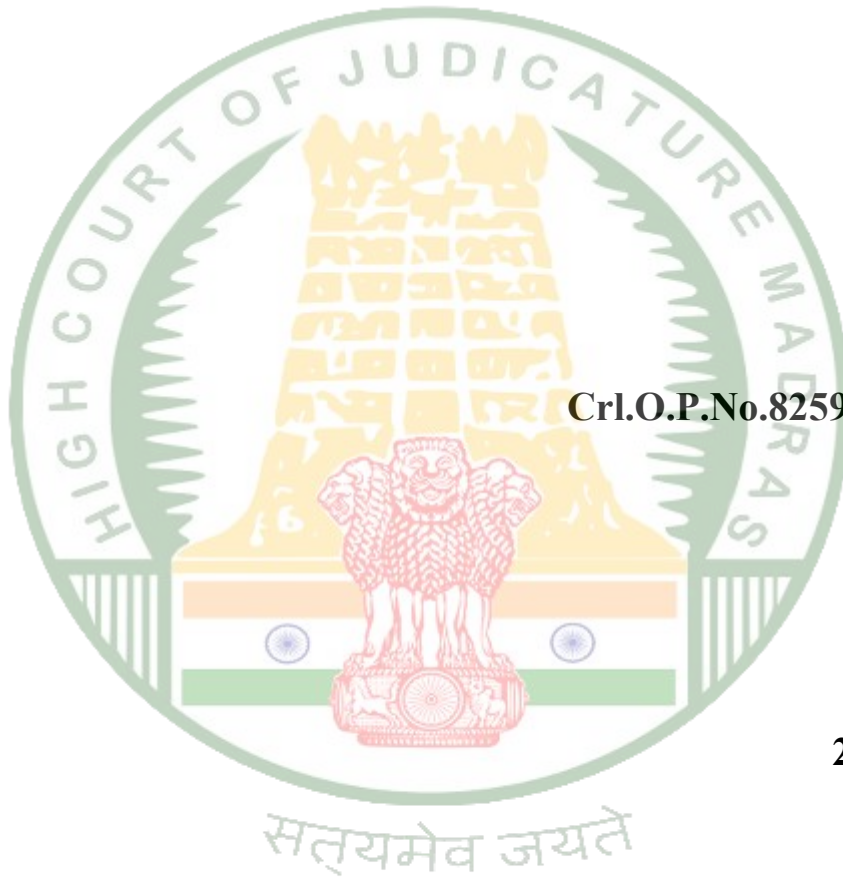
The Superintendent,  
Central Jail,  
Salem.



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**G.K.ILANTHIRAIYAN.,J.**  
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