

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.10363 of 2020

1.Mukesh Kumar
2.Naveenkumar
3.Nirmal Kumar

... Petitioners

Vs.

The State Represented by, ...Respondent
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
Crime No.1681/2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.1681 of 2020 pending on the file of the respondent police.

For Petitioners : Mr. N. Jayachandran

For Respondent : Mr. M. Mohammed Riyaz

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 452, 294(b), 324, 307, 379, 506(2) of the Indian Penal Code and Section 3(1) of Tamil Nadu Property Prevention of Damage and Loss Act, 1992, in Crime No.1681 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Sabir Ahmed is that he was running a Hotel near a TASMAL shop. While so, on 13.06.2020 at about 3.00 p.m., A1/Sivakumar had come to the hotel and asked the defacto complainant to give Biryani packets at free of cost. When the defacto complainant had refused the same,

the other accused joined along with Al/Sivakumar saying that they belong to a particular political party and picked up a quarrel with him during which, the accused persons had abused him with filthy language, attacked him and also caused damages to the two wheeler parked in front of the defacto complainant's shop.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case due to political vengeance. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that as far as the first petitioner is concerned there are three previous cases against him and as far as the second and third petitioners are concerned there are no previous cases against them. He would further submit that they accused persons are belonging to a particular political party and that on that date of occurrence, they had gone to the defacto complainant's hotel and asked him to serve free Biriyani and the defacto complainant refused the same. However, without any provocation, the petitioners have abused and assaulted the defacto complainant and caused damages to the two wheeler parked on the spot. Hence, he would vehemently opposed for the grant of bail to the petitioners.

5. Taking into account of the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
27/07/2020

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

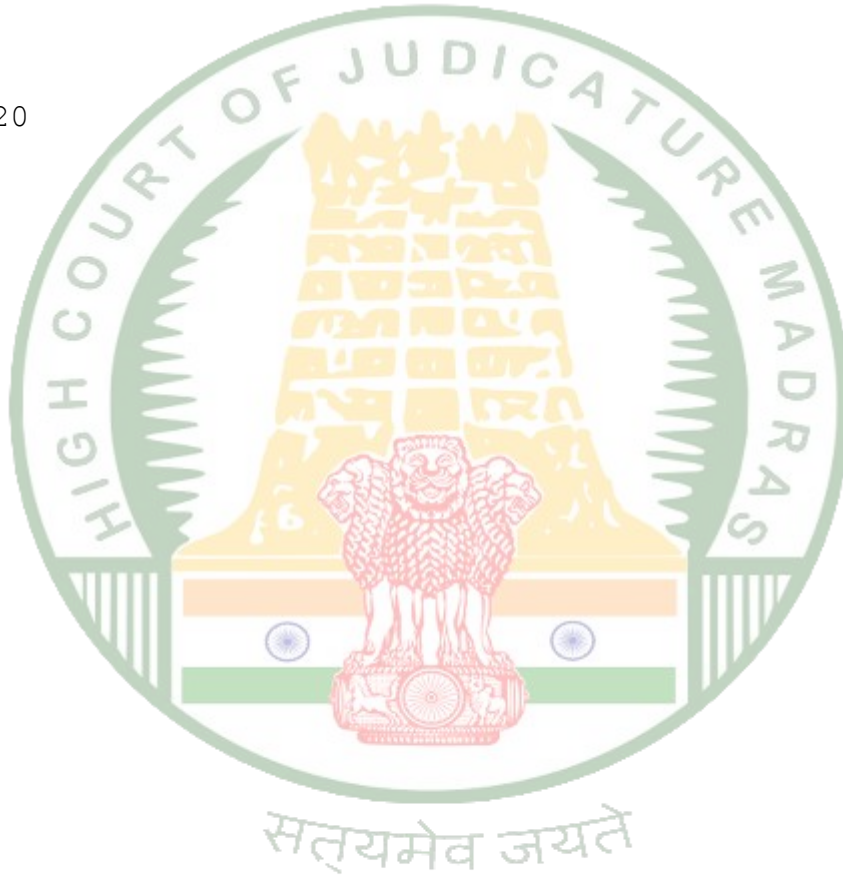
4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary
charges

CRL OP.10363/2020

Date :27/07/2020

TA-30/07/2020



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