

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

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

Crl.O.P.No.12470 of 2020

S.Balachander

... Petitioner / 9th accused

Vs.

The State,
The Inspector of Police,
B1, Sivakanchi Police Station,
Kancheepuram District.
(Crime No. 464 of 2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.464 of 2018 on the file of the Inspector of Police, B1, Sivakanchi Police Station, Kancheepuram District.

For Petitioner : Mr.K.Balaji

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 148, 307, 120(b) of IPC in Crime No.464 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused abused the defacto complainant by using filthy language and attempted to murder the defacto complainant with deadly weapons and thereby caused injury. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the friends of the petitioner had filed a petition in Crl.O.P.No.30552 of 2018 before this Court by including the name of the petitioner seeking anticipatory bail and the same was granted by this Court on 03.01.2019. But, due to quarrel between the petitioner and his friends, they did not inform about the order granted by this Court. Hence, the petitioner could not be able to execute sureties as directed by this Court in time. After knowing the order of this Court, the petitioner has filed a petition in Crl.M.P.No.4679 of 2020 in Crl.O.P.No.30522 of 2018, dated 31.07.2020 seeking extension of time for executing the bond and furnishing sureties and but, on the ground of lapse of time, this Court has dismissed the petition with liberty to file a fresh petition. Hence, the petitioner has filed

the present petition seeking anticipatory bail. He further submitted that the petitioner has been falsely implicated in the above crime and in fact his name is not found place in the FIR.

4. The learned Additional Public Prosecutor would submit that though the petitioner's name is not found place in the FIR, after the said crime, the petitioner has involved in nine other cases including two murder cases and two 307 of IPC cases. Further, he would submit that the petitioner attacked the counsel, who appeared for the defacto complainant before the trial Court. Therefore, the petitioner is not at all entertained for anticipatory bail at the time of the first application for his anticipatory bail and he was expected for the present case. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and taking note of the fact that already anticipatory bail was granted to the petitioner by this Court in Crl.O.P.No.30552 of 2018, dated 03.01.2019 and the petitioner has failed to execute the sureties as directed by this Court, within time frame by this Court and subsequently, the extension of time petition was also dismissed by this Court and thereafter, he involved in nine other cases and also considering the previous antecedents of the petitioner, this Court does not find any change in circumstances of this case. Therefore, this Criminal Original Petition is dismissed.

-sd/-

04/09/2020

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

TRUE COPY

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

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
B1, SIVAKANCHI POLICE STATION,
KANCHEEPURAM DISTRICT

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

CRL OP.12470/2020

Date :04/09/2020

RVR 24/09/2020