

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.14771 of 2020

1.V.Yukendaran @ Vikendaran
2.Vikki @ Vignesh

... Petitioners

Vs.

State: rep. by,
The Inspector of Police ,
Kitchipalayam Police Station,
Salem District.
(Crime No.595 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.595 of 2020 on the file of the Inspector of Police,
Kitchipalayam Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

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

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 307 and 506(2) of I.P.C in Crime No.595 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Sarathy is that due to the previous enmity regarding financial dispute, the petitioners along with other accused assaulted the defacto complainant and caused him head injury. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that this is a second application for anticipatory bail and the earlier petition was dismissed by this Court on 27.07.2020 in CrI.O.P.No.11177 of 2020 and that the petitioners have been falsely

implicated in this case due to financial dispute. He would further submit that as far as the averments against these petitioners are concerned, they are stated to have assaulted the injured with hands and legs and that the injured has been discharged from hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners/A8 and A9 along with the other accused assaulted defacto complainant and caused head injury. He would submit that A4 in this case was arrested and he is still in custody. Insofar as the first petitioner is concerned there is no previous case and insofar as the second petitioner is concerned there are five previous cases against him. He would further submit that the anticipatory bail application filed by the co-accused was dismissed by this Court recently on 30.09.2020 vide Crl.O.P.no.15459 of 2020.

5. Taking into consideration of the facts and circumstances of the case and the above submission so made by the learned Additional Public Prosecutor and the fact that the second petitioner has got five previous cases against him, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the Criminal Original Petition is dismissed.

-sd/-
05/10/2020

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 INSPECTOR OF POLICE,
KITICHIPALAYAM POICE STATION,
SALEM DISTIRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/SB.VASUDEVAN Advocate on payment of necessary charges

CRL OP.14771/2020

Date :05/10/2020

TA-12/10/2020