

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15750 of 2020

1.A.Captain Prabakaran
2.A.Sivashankaran
3.D.Ravindera Raj @ Raj

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
K.V Kupppam P.S,
Vellore District.
Crime No.354 of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.354 of 2020 on the file of the respondent police police station.

For Petitioners : Mr.M.Illiyas

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 324, 332 and 307 of IPC in Crime No.354 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Sasikumar is that on 08.06.2020, at about 9.00 p.m, during night rounds, the de-facto complainant along with Home Guard namely Mr.Kirankumar and friends of police, Mr.Vignesh at Kanguppam at Mahadevar Mount, he got information that a group of people were playing game of cards and consuming alcohol. When the de-facto complainant along with his police party went to the spot and questioned them, the petitioners along with other accused persons abused the police party with filthy language and suddenly attacked the de-facto complainant and others with stones and thereafter, they fled away from the scene of occurrence. Due to the said attack, the de-facto complainant sustained injury and he was admitted in the hospital for treatment.

3. The learned counsel for the petitioners would submit that this is the third application for anticipatory bail and pursuant to the dismissal of the earlier applications, arrested accused have been granted bail. He would further submit that the first petitioner for having attacked the police, subsequently, the second and third petitioners are concerned, they were only present at the scene of occurrence. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed stating that while the de-facto complainant along with his police party were on rounds, he got an information that a group of people were playing game of cards and consuming alcohol. When the de-facto complainant along with his police party went to the spot and questioned, the petitioners and other accused have brutally assaulted the de-facto complainant, due to which he sustained injuries. He would further submit that there is no change of circumstances.

5. Taking into consideration the facts and circumstances of the case and that there is no change of circumstances and earlier applications filed by the petitioners were dismissed by this Court, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

06/10/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
K.V.KUPPAM POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.15750/2020

Date :06/10/2020

RVR 15/10/2020