

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.11.2020

Pronounced on : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1. OP.No.16334 of 2020

1. Mohan Raj
2. Saran Raj
3. Naveen Raj

... Petitioners

Vs.

State rep. By its
Inspector of Police
Panamadangi Police Station,
Vellore District.
(Cr. No.252 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant anticipatory bail to the petitioners/A-5, A-6 & A-7 in the event of their arrest in Crime No.252 of 2020 on the file of the respondent police.

For Petitioners : Mr.E.Lakshmipathy

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

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections u/s.147, 148, 294(b), 324, 307 & 302 IPC in Crime No.252 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the partition of ancestral properties took place between Dhamodharan and Krishnan 10 years ago. However, the said Krishnan tried to encroach the common pathway of the ancestral properties. The said Krishnan was an ex-service man and his son viz., Sathyan is also in military service. There was continuous dispute between Krishnan and Dhamodharan. The entire family of Krishnan used to abuse the Dhamodharan's family in filthy language. Pursuant to a compromise arrived at between the parties on 19.06.2015, Krishnan assured that he would not abuse and quarrel with Dhamodharan's family. Not keeping with his assurance, Krishnan used to quarrel with Dhamodharan. Hence, one Danalakshmi W/o.Murugan preferred a complaint against Sathyan and his parents and the same was registered as CSR No.96/2019 on 21.07.2019. In such circumstance, Krishnan and his son Sathyan occupied major portion of the common pathway and constructed a shed.

When the same was questioned on 10.06.2020, there was a quarrel between the two families. In the said incident, the petitioner attacked using sticks and the defacto complainant's husband Krishnan died owing to the injuries suffered by him. Hence, the complaint.

3.Learned counsel for the petitioners would submit that it is a case of property dispute. Due to previous enmity, the de facto complainant has implicated all the family members of Dhamodaran. Petitioners are noway connected with the occurrence and they were not present at the time of occurrence. The co-accused viz., A1 to A4 have already been arrested and released on bail. Investigation in the case is almost completed. The petitioners have been falsely implicated in the case. If the petitioners, who are aged only 26, 21 and 21 respectively, are arrested, it would affect their career and education. Submitting as above, learned counsel prays for grant of anticipatory bail to the petitioners.

4.The Learned Additional Public Prosecutor would submit that the deceased and the accused are relatives. Due to property dispute, the accused assaulted the husband of the de facto complainant, owing to which he died. He would further submit that the names of the accused are mentioned in the complaint. The petitioners have come along with one Baskaran in a car and they were armed with sticks and they have assaulted the deceased/victim with sticks on the left side of the head due to which the deceased/victim had sustained bleeding injuries on the head and the left eye. Further, the right arm of the deceased was fractured due to the attack and he had fallen down unconsciously. Thereafter, the first petitioner had attacked with sticks on the legs of the deceased/victim. The 2nd and 3rd petitioners had later attacked the defacto complainant with sticks on the hands and the head, due to which she sustained bleeding injuries. There are specific overtacts attributed to the petitioners and thereby he would seek for dismissal of the petition.

5. Heard the learned counsels and perused the F.I.R.

6.It is a case of murder and attempt to murder. There are specific allegations against the petitioners for having attacked the deceased and his wife, the defacto complainant in this case. The accused have brutally attacked the deceased and the victim with sticks and they have suffered injuries. The investigation is pending, thereby this Court is not inclined to grant anticipatory bail.

7.Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

11/12/2020

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
KATPADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

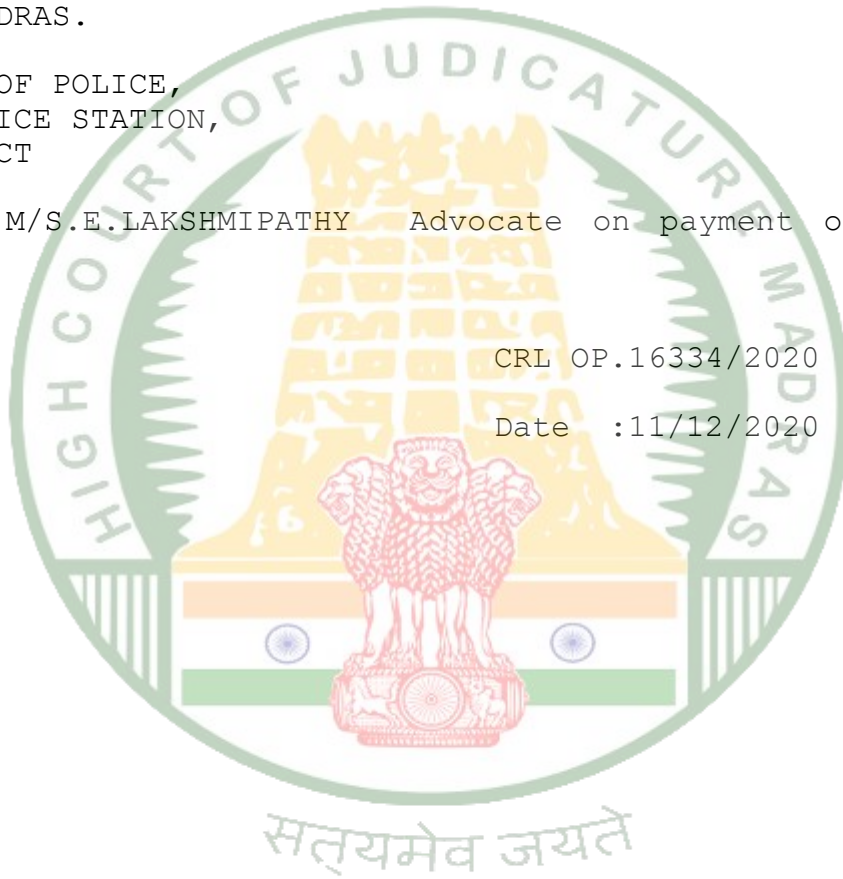
4 INSPECTOR OF POLICE,
PANAMAANGI POLICE STATION,
VELLORE DISTRICT

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

CRL OP.16334/2020

Date :11/12/2020

RVR 15/12/2020



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