

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 16112 of 2020

1.A.Arul

2.Rajeshwari

... Petitioners/Accused Nos. 2 & 4

Vs.

The State represented by,
The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No. 2678 of 2020, on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

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 offences punishable under Sections 294(b), 323, 324 & 506(2) of IPC, in Crime No. 2678 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Neelamegan is that there was a dispute between him and the family of the accused with regard to the property. Whiles, on 18.09.2020, at about 08.00 a.m., when they were about to measure the lands, the petitioners along with other accused had picked up a quarrel with the defacto complainant, abused him in filthy language, assaulted him with stones and pushed him into a mud and thereafter, the first accused viz., Silambarasan had taken a sharp edged stone and stabbed in his stomach and they had also threatened and intimidated him. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are an innocent person and they have been falsely implicated in this case due to previous enmity in respect of land dispute. He would submit that the main accused has been arrested and enlarged on bail and that the injured has also been discharged from the hospital. Hence, he prays to grant bail to the

4 The learned Additional Public Prosecutor appearing for the respondent would submit that due to land dispute, the petitioners have joined together with the other accused and have abused the defacto complainant in filthy language and have assaulted him with stones, due to which, the victim has sustained serious injury in his stomach. He would submit that A2 and A3 have been arrested and they are still in custody. He would further submit that the injured was originally admitted in the Government Hospital, Tiruvannamalai since his condition had become serious, he has been referred to Stanley Medical College Hospital and he was admitted as an inpatient on 09.10.2020 for further treatment. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions made by the learned counsels and that the arrested accused are still in custody and that the injured has been admitted in the Stanley Medical College Hospital for better treatment, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

-sd/-

12/10/2020

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 JUDICIAL MAGISTRATE,
KALASAPAKKAM, TIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KADALADI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.16112/2020

Date :12/10/2020

RVR 22/10/2020