

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18825 of 2020

1.Udhayakumar
2.Ebi @ Ebineasar

... Petitioners

Vs.

State rep. by
Inspector of Police,
Villiwakkam Police Station,
Chennai District
(Crime No.1014 of 2020)

... Respondent

PRAYER: The Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.1014 of 2020 on the file of the respondent police.

For Petitioners : Mr.N.Kannan

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 punishable under Section 294(b), 323, 307 I.P.C. in Crime No.1014 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Haridoss is that he is a person from village and working in a Xerox Shop. The further allegation is that the petitioners viz. Ebi@ Ebineaser and Udhayakumar who are from his area used to approach the defacto complainant very often asking for money, since the defacto complainant refused to part with money, they got vengeance against him and that on 15.11.2020, the accused came to his house and assaulted him with knife on his face and head and also kicked him and left the place of occurrence.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the injured has been discharged from the hospital.

4.Per contra, the learned Additional Public Prosecutor would vehemently oppose stating that the petitioners had demanded money from the defacto complainant and when the defacto complainant refused to give money, they have gone to the house of the defacto complainant and assaulted him with knife on the face and head, due to which, the victim suffered 26 sutures on the face. Though the victim had been discharged, the assault on the victim was very serious in nature. He would further submit that the first petitioner has six previous cases of 302 IPC, 307 IPC(2 cases) and other assault cases and he has already been remanded to judicial custody. So far as the second petitioner is concerned, he has got nine previous cases to his credit i.e., 307 IPC (2 cases), 384 IPC (2 cases) and other assault cases .

5.In the light of the above submissions made by the learned Additional Public Prosecutor that the 1st petitioner has been arrested, his anticipatory bail application stands dismissed as infructuous.

6.Taking into consideration of the bad antecedents of the 2nd petitioner, this court is not inclined to grant anticipatory bail to him.

7.This criminal original petition stands dismissed as infructuous as far as the 1st petitioner is concerned. This Criminal Original Petition stands dismissed as far as the 2nd petitioner is concerned.

-sd/-

15/12/2020

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,
VILLIVAKKAM POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.18825/2020

Date :15/12/2020