

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7353 of 2021

1 KATHAR ALI @ KATHAR [PETITIONER / ACCUSED]

2 SATHAM HUSSAIN

3 JAHEER HUSSAIN

Vs

1 STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
POLLACHI TOWN EAST POLICE STATION,
POLLACHI, COIMBATORE DISTRICT
CR.NO.135/2021

For Petitioner : M/S.R.NALLIYAPPAN Advocate

For Respondent : MR. T.SHANMUGARAJESWARAN,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(ii) of IPC in Crime No.135 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, while the son of the de-facto complainant, who is aged 9 years was playing in front of his house, due to previous enmity, the petitioners abused him in filthy language and attacked him. On hearing his sound, the de-facto complainant and his wife came outside his house and at that time, the petitioners abused the de-facto complainant in filthy language and attacked him with iron rod and thereby, caused injuries to him. Hence the case came to be registered.

4. The learned counsel for the petitioners submitted that the petitioners are innocents and they did not commit any offence as

alleged by the prosecution. . Therefore, they may be granted anticipatory bail.

5. The learned Government Advocate (Crl. Side) would submit that while the son of the de-facto complainant, who is aged 9 years was playing in front of his house, the petitioners joined together and attacked him and on seeing the incident, the de-facto complainant and his wife restrained the petitioners and at that time, the petitioners abused and attacked the de-facto complainant with iron rod and caused injuries to him. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also taking into account the gravity of offence committed by the accused, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

21/04/2021

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,
POLLACHI TOWN EAST POLICE STATION,
POLLACHI, COIMBATORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.7353/2021

Date :21/04/2021

A.SK(23.06.2021)