



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Cr1.O.P.No.11606 of 2021

1. Thamilarvan ... Petitioner/Accused (1,2,3,5)
2. T.Stalin Bharathy
3. S.Veerapandi
4. Anbuselvan

-vs-

The State Represented by ... Respondent/Complainant
Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
(Crime No. 1035 of 2020)

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioners on bail in the event of arrest in Crime No. 1035 of 2020 pending investigation on the file of the Respondent Police.

For Petitioners : Mr. R.Sankarasubbu

For Respondent : Mr. C.E.Pratap,
Counsel appearing for the Government.

ORDER

(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 147, 148, 294(b), 452, 324, 323 and 307 of the Indian Penal Code, 1860 read with Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 in Crime No. 1035 of 2020 on the file of the Respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the De-facto Complainant along with other people tried to remove the encroachments made by the accused in the ground floor, the Petitioners herein abused the De-facto Complainant and assaulted him badly with wooden logs, aruval and knife. Hence, the complaint.



3. The Learned Counsel for the Petitioners would submit that the Petitioners are innocent persons and they have been falsely implicated in this case due to political rivalry. He would further submit that the De-facto Complainant belong to one political party and the Petitioners belonged to another political party. He would further submit that the earlier application for anticipatory bail in CrI. O.P. No. 11907 of 2020 was dismissed on 26.08.2020 and that even thereafter, the Respondent has not taken any steps to arrest them. Hence, he prays for grant of anticipatory bail to the Petitioners.

4. Per contra, the Learned Counsel appearing for the Government would submit that the Petitioners are habitual offenders and that they have brutally assaulted the De-facto Complainant with wooden logs, aruval and knife on the hands, shoulder and hip. He would further submit that though the injured has been discharged from the hospital, this Court taking into consideration the habituality of the Petitioners, had dismissed the earlier application for anticipatory bail in CrI. O.P. No. 11907 of 2020. He would further submit that the First Petitioner has got forty seven previous cases, the Second Petitioner has got twelve previous cases, the Third Petitioner has got five previous cases and the Fourth Petitioner has got three previous cases. He would further submit that there is no change of circumstances after the dismissal of the earlier application for anticipatory bail. Hence, he would oppose for grant of anticipatory bail to the Petitioners.

5. Heard the Learned Counsels and perused the earlier dismissal order dated 26.08.2020.

6. This Court taking into consideration that the Petitioners are habitual offenders involved in many previous cases, had dismissed the earlier application for anticipatory bail. There is no change of circumstances after the dismissal of the earlier application for anticipatory bail. Hence, this Court is not inclined to grant anticipatory bail to the Petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
07/07/2021

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 JUDICIAL MAGISTRATE,
NEEDAMANGALAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.11606/2021

Date :07/07/2021

TA-23/07/2021