



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Thirteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15173 of 2021

1 MARRIYA DHOSS
2 VASANTH KUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
M.4, REDHILLS POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.1148/2021)

[RESPONDENT]

For Petitioner : M/S S.SATHISH KUMAR Advocate

For Respondent : MR.A.GOPINATH, 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 for the alleged offences punishable under Sections 147,148, 294(b), 323, 324 and 506(2) of IPC in Crime No.1148 of 2021 seek anticipatory bail.

2.The case of the prosecution is that due to enmity and dispute over land, the petitioners along with other accused damaged the compound wall and trespassed into the shop of the defacto complainant and caused damaged to his shop and scolded him by using filthy language and also assaulted him with deadly weapons. Thereby the defacto complainant had sustained injuries. Earlier occasion on 25.08.2021 in Crl.OP.No.15173 of 2021 this court had granted anticipatory bail to the petitioners.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. Learned Government Advocate (Crl. Side) placed before the Court the photographs of the victim and submits that the defacto complainant/victim had lost three fingers due to the attack perpetrated on the victim. It is further submitted that the victim had spent almost Rs.2 Lakhs towards medical expenses. It is further submission of the learned Government Advocate(Crl.Side) that though the victim had suffered grievous injuries, however, inadvertently, the said fact was not brought to the notice of the Court by either side, which resulted in the petitioner being granted anticipatory bail. Therefore, the anticipatory bail granted to the petitioner deserves to be recalled.

5. It is evident from the submissions advanced by the learned counsel on either side that while granting anticipatory bail, this court has recorded the statements of the counsel that the injured had been discharged from the hospital and, therefore, had granted anticipatory bail to the petitioner. However, it was not brought to the notice of this court about the victim suffering grievous injuries and had lost three fingers and is continually taking treatment and that he had spent huge sums of money. Neither side brought the said fact to the notice of this Court but had merely stated that the injured had been discharged from the hospital.

6. Considering the fact that the injuries suffered by the victim are serious in nature and that investigation is still pending, the anticipatory bail granted to the petitioner cannot be allowed to stand at this point of time and the same deserves to be recalled. Accordingly, the anticipatory bail granted to the petitioner cannot be allowed to stand at this point of time and the same deserves to be recalled. Accordingly, the anticipatory bail granted to the petitioner vide order dated 25.08.2021 in the above criminal original petition is, hereby, recalled and the petition is dismissed.

-sd/-

13/09/2021

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 NO.2,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR. [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>



3 THE INSPECTOR OF POLICE,
M.4, REDHILLS POLICE STATION,
THIRUVALLUR DISTRICT.

WEB COPY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S S.SATHISH KUMAR Advocate on payment of necessary
charges SR.NO.10070

CRL OP.15173/2021

Date :13/09/2021

CSK 16/09/2021