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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18174 of 2021

1. Dinesh @ Dinesh Kumar
2. Karthick ... Petitioners/Accused No.4,5

Vs

The State rep by
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District
(Crime No. 159 of 2021). ... Respondent/Complainant

For Petitioner : Mr. Anand.R,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.159 of 2021 on the file of the respondent Police.

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 147, 148,294(b), 435, 436, 506(ii) and 120 b IPC r/w Sections 3 and 4 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.159 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a previous enmity between the family of the defacto complainant and the family of one Samidurai and a case was also registered with regard to this issue. On 16.06.2021, at about 9.30 pm, when the defacto complainant and his daughter namely, Karthika were standing in front of their house, the petitioners along with other accused had formed unlawful assembly and came towards them with knife, woodenlog, Aruval and stick. Fearing that something is going to happen, the defacto



complainant and his daughter went into the house. The petitioners along with others trespassed into the house and damaged the things in the house. They made criminal intimidation to them. They also fired the Tractor of Raja and Scooty, Tractor and cycle of Muthuramalingam and they burnt 20 bags of cotton. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that no specific role has been assigned to any of the petitioner in the complaint by the defacto complainant, which would show that merely because the petitioners happened to be the relatives of the first accused, they have also been roped in. The petitioners along with other accused have filed several petitions for anticipatory bail, which came to be dismissed by this Court. The learned counsel would submit that the previous cases pending against the petitioners are simple in nature and some leniency may be shown to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that earlier petitions filed by the petitioners for anticipatory bail were dismissed on the ground that the petitioners are having several cases pending against them.

5.The learned counsel for the petitioners submits that the second petitioner, namely, Karthick, is having only one case and that was mentioned in the earlier order also.

6.However, the learned Government Advocate submits that the second petitioner is having eight cases and the details are as follows:-

Sl.No.	Crime Numbers	Nature of Offences
1.	263 of 2017	4 B TNOPPD Act
2.	253 of 2017	147, 148,294(b), 307, 323, 324,506 (ii) IPC @ 147, 148, 294(b), 307, 323,324,326,506(ii) IPC
3.	29 of 2016	4(1)(a) TNP Act
4.	211 of 2015	4(1)(k) TNP Act
5.	48 of 2013	160 IPC
6.	20 of 2013	4(1)(a) TNP Act
7.	114 of 2010	4(1)(k) TNP Act
8.	21 of 2009	107 Cr.P.C

7. Recording the submission of the learned Government Advocate and considering the fact that after the dismissal of earlier petitions, there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.



8. Accordingly, the Criminal Original Petition is dismissed.

Sd/-
02/12/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.18174 of 2021
Date : 02/12/2021

VB/CN/SAR-IV/10.12.2021/3P/3C