



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4199 of 2022

1 SATHASIVAM
2 UMESH
3 NEELAKANDAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO. 1685/2021

[RESPONDENT]

For Petitioner : M/S.JAYAN Advocate for
M/S. W.CAMYLES GANDHI Advocate

For Respondent : M/S.S.SANTHOSH, 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 offence punishable under Sections 147, 148, 448, 294(b), 323, 324 & 506(ii) of IPC @ Sections 147, 148, 448, 294 (b) 323, 324, 506(ii) & 307 of IPC in Crime No.1685 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein along with 8 others have formed unlawful assembly and gone to the house of the defacto complainant due to previous enmity and assaulted him with knife and cooker lid. Initially, the case was registered against them under Sections 147, 148, 448, 294(b), 323, 324 & 506(ii) of IPC and at that time, the petitioners for the said offence filed a petition for anticipatory bail and the same was granted. Later, on investigation, the police



has found that the little finger of the defacto complainant was sutured in the said attack and therefore, the Sections were altered into Sections 147, 148, 448, 294 (b) 323, 324, 506(ii) & 307 of IPC. Since the grave offence is an attempt murder, Section 307 has been added. The petitioners herein who have already been enjoying the anticipatory bail are now before this court seeking anticipatory bail for the added offence namely Section 307 of IPC.

3. The learned counsel appearing for the petitioner submitted that all along the petitioners are enjoying the bail and cooperating with the investigation and therefore, in the change of circumstances, they may be granted anticipatory bail and they are ready to cooperate with the investigation.

4. The learned Government Advocate (Crl.Side) would submit that these petitioners along with 8 others with an intention to cause death to the defacto complainant has gone into the house of the defacto complainant and caused grievous injury using knife and cooker lid. Earlier when the complaint was recorded from the defacto complainant, he was taking treatment and Section 307 was not included, but, only thereafter in the course of investigation, police found that 11 accused went to the house of the defacto complainant forming unlawful assembly with deadly weapons with an intention to cause death. Hence, the charges were altered on 22.11.2021.

5. The learned Government Advocate (Crl.Side) further states that the petitioners due to previous enmity had committed the said offence and suppressing the gravity of offence, they got earlier anticipatory bail and not properly cooperating with the investigation. Since the offence being very grave and the enmity between them may probe again, it is necessary to detain them and if anticipatory bail is granted, it will lead to tamper the evidence. Therefore, being satisfied with the above said objection, this Criminal Original Petition is dismissed.

-sd/-

28/02/2022

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 SUB INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO. 3058

CRL OP.4199/2022

Date :28/02/2022

RW 09/03/2022