

**Crl.M.P.No.13136 of 2022****in****Crl.O.P.No.16202 of 2022****G.K.ILANTHIRAIYAN, J.**

This Criminal Miscellaneous Petition has been filed to cancel the anticipatory bail granted to the respondents 2 to 7 herein by this Court in Crl.O.P.No.16202 of 2022 dated 13.07.2022 in Crime No.129 of 2022 on the file of the first respondent police.

2. The learned counsel for the petitioner would submit that the petitioner is a practising advocate and he filed a suit for partition on behalf of his client in O.S.No.114 of 2017 on the file of the learned Sub Court, Hosur. While the said suit is pending, the subject property was sold out in favour of the respondent 7, as such, he was also impleaded as party in the said suit. He would further submit that when the petitioner was discharging his official duty, he was attacked by the accused persons and as such, he sustained grievous injuries. On the complaint, FIR has been registered in Crime No.129 of 2022 for the offences under Sections 147, 148, 294(b), 323, 324, 506(2) of IPC. While pending investigation, the respondents 2 to 7 have approached this Court for anticipatory bail in Crl.O.P.No.16202 of 2022 and this Court considering the rival submissions and granted anticipatory bail to them on condition that they shall report before 1st respondent police for a period of two weeks. The anticipatory bail was granted on the ground that

<https://www.mhc.tn.gov.in> the petitioner sustained simple injury. He would further submit that though



the petitioner sustained grievous injuries and he suffered fracture and dislocation on his foot, the 1st respondent police failed to bring to the knowledge of this Court and he also produced the photo of the petitioner. He would further submit that it is a planned attack on the petitioner and as such the custodial interrogation is very much required in this case. He would also submit that after granting anticipatory bail, the petitioner was attacked by the respondents 2 to 7 due to which, he lodged a complaint before the Hosur Police Station thereby, he was issued with CSR.No.3 of 2022 and the same was pending for enquiry. Further, the respondents 2 to 7 are influential persons and they lodged a complaint and the same was registered in Crime No.130 of 2022. Therefore, the petitioner's bar association has made a representation and the same was pending for consideration.

3. Per contra, the learned counsel for the respondents 2 to 7 would submit that the petitioner sustained simple injury on the date of alleged occurrence and he also produced the wound certificate stating that the injuries sustained by the petitioner is simple in nature. Further, on 03.07.2022, the petitioner had filed a suit for partition on behalf of his client in O.S.No.114 of 2017. Subsequently, the respondents 2 to 7 purchased the same property and they were also impleaded as a party in the said suit. While the suit was pending, the respondents 2 to 7 have settled the issues from the

<https://www.mhc.tn.gov.in/> plaintiff. However, it seems that the plaintiff had failed to pay the fee to the



petitioner. Therefore, the petitioner had compelled the respondents 2 to 7 to pay his fees. Hence, there was a dispute between them and he attacked the respondents 2 to 7. On the complaint lodged by them, a case was registered in Crime No.130 of 2022. He would submit that the conditions imposed by this Court while granting anticipatory bail was duly complied with by the respondents 2 to 7.

4. Heard the learned counsel for the petitioner and learned Government Advocate (Crl.side) for the first respondent police.

5. Considering the above facts and circumstances of the case, this Court finds no reason to cancel the anticipatory bail granted by this Court to the respondents 2 to 7.

6. Accordingly, this Criminal Original Petition is dismissed. However, the respondents 2 to 7 shall stay at Dhamapuri and report before the Dharmapuri town Police station twice daily at 10.30am and 5.30pm for a period of two weeks and thereafter, as and when required for interrogation. Further, the 1st respondent police is directed to complete the investigation and file final report within a period of 12 weeks from the date of receipt of a copy of this Order.

21.09.2022



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