

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.24715 of 2021

1.T.Stalin Bharathy
2.S.Veerapandi
3.A.Anbuselvan

...Petitioners

-Vs-

State rep by
Inspector of Police,
Needamangalam Police Station,
Tiruvarur District.
Crime No.1035 of 2020.

..Respondent

Prayer : Criminal Original Petition is filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1035 of 2020 on the file of the respondent police, Needamangalam Police Station, Tiruvarur District.

For Petitioners : Mr.D.Bharathy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.1035 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution that on the date of occurrence when the defacto complainant along with other people tried to remove the encroachments made by the accused in the ground floor, the accused herein abused the defacto complainant and assaulted him badly with Aruval, wooden logs and knife. Hence, the complaint.

3.The learned counsel appearing 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 this is the fourth application for anticipatory bail. Despite the earlier dismissals, the respondent have not taken any

steps to secure the petitioners. He would submit that the petitioners are ready to co-operate with the respondents in the investigation.

4.Per contra, the Learned Additional Public Prosecutor would submit that the petitioners are habitual offenders and 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 and the case is pending for longer, this Court taking into consideration the habituality of the petitioners, had dismissed the earlier applications for anticipatory bail. He would further submit that A1 was involved in 47 previous cases and subsequently, he was murdered, the 1st petitioner herein has twelve previous cases, the 2nd petitioner has five previous cases and the 3rd petitioner herein has three previous cases. He would further submit that the petitioners are notorious persons and they are still absconding and not co-operating for the investigation and hence all the steps taken by the respondent have ended in futility. Therefore, he vehemently opposed to grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the earlier dismissal order dated 07.07.2021.

6.In the case of G.R.Ananda babu vs. State of Tamil Nadu and another reported in 2021 SCC Online SC 176, the Hon'ble Supreme Court had held that the successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused is absconding and not co-operating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same judge.

7. This Court taking into consideration that the petitioners are habitual offenders involved in many previous cases, had dismissed the earlier applications for anticipatory bail. There is no change of circumstances after the dismissal of the earlier applications for anticipatory bail and the accused are still absconding. In the light of the above decision, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/02/2022

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 INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S D.BHARATHY Advocate on payment of necessary charges

CRL OP.24715/2021

Date :09/02/2022

RVR 18/02/2022