



Crl.OP.No.15691 of 2023

G.CHANDRASEKHARAN, J.

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This petition has been filed to enlarge the petitioners on anticipatory bail in the event of their arrest pending investigation in Crime No.610 of 2023 for the offences under Section 294 (b), 323, 324, 506 (ii) I.P.C. on the file of the respondent.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused in Crime No.610 of 2023. It was the first accused/Dinesh who beaten the defacto-complainant's husband. Petitioners, it is alleged in the First Information Report that had used only hands for attacking the defacto-complainant's husband. First accused/Dinesh was granted bail in Cr.M.P.No.1992 of 2023 on 06.07.2023. Apprehending arrest, this petition is filed for anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that defacto-complainant's husband and accused are close relatives. Defacto-complainant's husband has property. Defacto-complainant and her husband have no children. Therefore, accused demanded the



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defacto-complainant and her husband to leave their land to them. On 29.06.2023, at about 09.30 a.m, accused, when the defacto-complainant's husband was tried to show the property to third party, accused scolded them in filthy language. Rajesh/second accused and Shanthi/third accused had beaten defacto-complainant's husband with their hands repeatedly. First accused/Dinesh had pushed her husband down and then hit him with iron rod on his neck. Then they made criminal intimidation. Defacto-complainant's husband is still taking treatment as in-patient. He is now under comma and taking treatment at Miot Hospital.

4.Despite the fact that defacto-complainant's husband was taking treatment as in-patient and that was informed to the learned Judicial Magistrate No.II, Alandur, the learned Judicial Magistrate proceeded to grant bail to the first accused/Dinesh. One of the reasons stated for granting bail is that Covid-19 pandemic situation is prevailing now. Thus, the learned Government Advocate (Criminal side) submitted that grant of bail to the first accused is not a ground for granting anticipatory bail to these petitioners.

5.Considered the rival submissions and perused the records.



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6.Considering the facts narrated above, it is seen that the accused in this case demanded the defacto-complainant and her husband part with their property for the reason that they had no children. When that was not accepted, accused had abused and beaten the defacto-complainant's husband. First accused/Dinesh had assaulted the defacto-complainant's husband/Vedagiri with iron rod which made him to his present vegetative state, that he is in comma. The report shows that he was diagnosed with Afebrile, CVS-S1S2, RS – BAE, P/A-soft, Swelling, tenderness, C5 C6 cervical region and SLRT not able to rise. Photographs also produced to show that he is lying on a bed. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

7.It is seen from the bail order granted to the first accused/Dinesh in Cr.M.P.No.1992 of 2023 on 06.07.2023, that the learned Assistant Public Prosecutor informed the learned Judicial Magistrate-II, Alandur, that injured was taking treatment as in-patient in the hospital. When such serious injury was caused to the victim and he was taking treatment as in-patient, it is not



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known how the learned Judicial Magistrate-II, Alandur, has granted bail to the first accused/Dinesh. One of the reasons stated for the grant of bail is prevailing Covid-19 situation. There is no Covid-19 pandemic situation prevailing in July 2023. Bail order was not passed taking into gravity of the situation and proper assessment of factual basis. Grant of bail to the first accused/Dinesh in the said circumstances, cannot be appreciated. The respondent Police is directed to take steps for canceling the bail granted to the first accused/Dinesh, immediately, preferably within a period of two weeks from the date of receipt of copy of this order. On such filing of petition for cancellation of bail granted to first accused/Dinesh, the learned Judicial Magistrate No.II, Alandur, is directed to pass appropriate orders on merits and in accordance with law, taking into consideration of facts in this case and also the present physical condition of the defacto-complainant's husband Vedagiri.

8. Accordingly, this Criminal Original Petition is dismissed.

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