



Crl.O.P.No.19667 of 2023

Crl.O.P.No.19667 of 2023

G. CHANDRASEKHARAN, J.,

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 Additional Public Prosecutor 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



CrI.O.P.No.19667 of 2023

demanded the 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. Defactocomplainant'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 materials



Crl.O.P.No.19667 of 2023

available on record.

6. This is the second anticipatory bail petition. The earlier anticipatory bail petition filed by the petitioner in Crl.O.P.No.15691 of 2023 was dismissed on 24.07.2023 on the ground that, due to the assault made by the accused against the defacto complainant's husband namely Vedhagiri with iron rod, he is still in Coma. The report shows that injured was diagnosed with Afebrile, CVS-S1S2, RS-BAE, p/a-soft, Swelling, tenderness, C5 C6 cervical region and SLRT not able to rise. It is submitted by the learned Additional Public Prosecutor that the defacto complainant's husband is still under treatment.

7. Under these circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

31.08.2023

nsa



WEB COPY



Crl.O.P.No.19667 of 2023

G. CHANDRASEKHARAN, J.,
nsa/gd

Crl.O.P.No.19667 of 2023

31.08.2023