



Crl.O.P.No.19929 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.08.2024

Coram:

THE HONOURABLE MR.JUSTICE M.NIRMALKUMAR

Crl.O.P.No.19929 of 2024

and

Crl.M.P.No.11594 of 2024

1.Arunkumar  
2.Anandharaj  
3.Palani  
4.Elango  
5.Dinesh

.. Petitioners/A1,A2,A4,A5,A7

/versus/

1.State represented by its  
Inspector of Police,  
Kallavi Police Station,  
Krishnagiri District.  
(Cr.No.220 of 2023)

..1<sup>st</sup> Respondent/Complainant

2.G.Vijayalakshmi

..2<sup>nd</sup> Respondent/Defacto  
Complainant

Criminal Original Petition has been filed under Section 528 of BNSS, to set aside the order passed in Crl.M.P.No.1935 of 2024 on the file of the learned Principal District and Sessions Judge, Krishnagiri dated 14.06.2024.



Crl.O.P.No.19929 of 2024

For Petitioners :Mr.R.Karthikeyan  
For R1 :Mr.S.Udaya Kumar,  
Govt. Advocate (Crl.Side),

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ORDER

The petitioners are A1,A2,A4,A5 and A7 in Crime No.220 of 2023 for the offences under Sections 147, 294(b), 447, 427 and 506(i) of IPC and Section 67 of Information Technology Act, 2000. The first accused/first petitioner filed a petition in Crl.M.P.No.4035 of 2023 seeking anticipatory bail and obtained anticipatory bail on 14.06.2024 with certain conditions, one of the condition is that the petitioner/A1 shall appear and sign before the respondent police daily at 09.00 a.m., until further orders. Similarly, the other accused, A2, A4,A5 and A7/petitioners 2 to 5 herein filed a petition in Crl.M.P.No. 53 of 2024 seeking anticipatory bail and they obtained anticipatory bail on 08.05.2024 with certain conditions, one of the condition is that they shall appear and sign before the respondent police daily at 09.00 a.m., until further orders.



Crl.O.P.No.19929 of 2024

2. The contention of the petitioners is that the first petitioner/first accused is the son of the defacto complainant/2<sup>nd</sup> respondent herein. Property dispute between mother and son. The allegation is that the first petitioner/son, residing in Cuddalore, engaged the other petitioners, who are residing in Krishnagiri, to commit the offence. He further submitted that already civil suit in O.S.No.214 of 2023 is pending before the Additional District Court, Krishnagiri and for that reason, as counter blast a false complaint has been lodged.

3. On considering the civil dispute pending between the parties, anticipatory bail granted. But, after getting anticipatory bail, the petitioners could not comply the condition of appearing before the respondent police due to ill-health and other issues. Further, contention of the petitioners is that in the petition to cancel the anticipatory bail, notice not served to the first petitioner. As regard the other petitioners, except calling them to the police station and getting signature in some papers, no proper notice served to them. But, the lower Court, on the petition to cancel the bail filed by the defacto complainant, passed the



Crl.O.P.No.19929 of 2024

impugned order on 14.06.2024 without verifying and confirming whether proper notice served on the petitioners and without giving opportunity of hearing the petitioner the impugned order passed.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that a civil dispute between mother and sons pending. He further submitted that the petitioners after obtaining anticipatory bail with condition not appeared before the respondent police, thereby stalling the investigation. He further submitted that in this case the investigation yet to make substantial progress. The petitioners may be directed to appear before the respondent police for a period of 30 days to aid the investigation.

5. In view of the above, this Court finds the impugned order passed by the trial Court in Crl.M.P.No.1935 of 2024 dated 14.06.2024 not proper, further, already civil suit in O.S.No.214 of 2023 is pending between the parties primarily between the mother and son before the Civil Court and the petitioners denied opportunity of hearing before



Crl.O.P.No.19929 of 2024

WEB COPY

cancellation of bail. The notice projected as served is not complete. The right of liberty cannot be curtailed without proper and justifiable reason. Hence, the order passed by the trial Court in Crl.M.P.No.1935 of 2024 dated 14.06.2024 is hereby set aside. Further, this Court directs the petitioners to appear and sign before the respondent police daily at 09.00 a.m., for a period of 30 days from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

20.08.2024

Index:yes/no  
Neutral citation:yes/no  
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To:

- 1.The Principal District and Sessions Judge, Krishnagiri.
- 2.The Inspector of Police, Kallavi Police Station, Krishnagiri District.
- 3.The Public Prosecutor, High Court, Madras.



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Crl.O.P.No.19929 of 2024

M.NIRMALKUMAR, J.

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Crl.O.P.No.19929 of 2024  
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