



WEB COPY

Crl.O.P.No.27459 of



Crl.O.P.No.27459 of 2024
and
Crl.M.P.No.15393 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 115(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 altered into Section 126(2) and 109 of BNS 2023 in Crime No.325 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant one Gunasekaran is that, he is an Advocate practicing for 45 years and there is a property dispute between him and his brother for the past 15 years and a suit is also pending before the Court. It is also stated that there is a dispute between him and his brothers-in-law one Raja @ Muthusamy and the petitioner herein, related to a property, which was occupied by one Anbu @ Anbuselvan, who was acting in favour of his brothers-in-law, with respect to the said property, which was settled by his mother-in-law in favour of his wife. Whiles, on 02.10.2024, when the defacto complainant was on his routine morning walk, he was assaulted using hands and iron rods by two unknown persons, who were wearing black colour lower T-Shirts with monkey cap, due to which, the



defacto complainant sustained multiple injuries, thereafter, those unknown persons escaped from the spot. Thereafter, with the help of one Palanisamy, he had gone to LKM Hospital and taken treatment as an in-patient. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioner is the brother-in-law of the defacto complainant and due to previous enmity and dispute between the defacto complainant and the petitioner, he has been falsely roped in this case. He would further submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that during the course of investigation by the respondent police, it is found that the petitioner herein, who is the brother-in-law of the defacto complainant, due to a family property dispute, master-minded the execution of the assault against the defacto complainant by colluding with A2. Thereby, A2



engaged A3 to A5, who are henchmen from southern districts of Tamilnadu and thereafter, they planned and executed the assault against the defacto complainant. He would further submit that the defacto complainant was assaulted using hands and iron rods by the henchmen, thereby sustained multiple injuries and taken treatment as an in-patient.

5. Learned counsel appearing for the intervener raised strong objections for granting of anticipatory bail to the petitioner by stating that the defacto complainant's later mother-in-law had executed an irrevocable settlement deed in favour of the defacto complainant's wife, G. Krishnaveni and his sister-in-law one K. Vijayalakshmi. Due to which, the petitioner filed a suit in O.S.No.699 of 2022 before the District Judge, Erode and the same is pending for adjudication, due to which, there arouse a dispute between the defacto complainant the petitioner. Thereby, the petitioner colluded with other accused and actively engaged henchmen with the intent to inflict harm on the petitioner, who is an Advocate by profession. He also submitted that, due to the assault committed against the defacto complainant, he had sustained Grade 2 compound supracondylar fracture of the femur with intercondylar extension, as well as multiple fractures to his leg, thereby he has undergone surgery and is still under treatment. He further submitted that, if the petitioner is granted anticipatory bail, there is a possibility of him, tampering with evidence and



further harm to the defacto complainant and his family members.

6. Heard the learned counsel for the petitioner, the learned counsel appearing for the intervener and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

7. Taking note of the facts and circumstances of the case, the gravity of offence and nature of injuries sustained by the defacto complainant, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this criminal original petition is dismissed. consequently, connected criminal miscellaneous petition, stands closed.

04.12.2024

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