

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, KRISHNAGIRI.**

**Present: Tmt.R.Vasanthi, M.L.,
Principal Sessions Judge, Krishnagiri.(FAC)**

Monday, the 7th day of August 2023

CRIMINAL MISCELLANEOUS PETITION NO.2832 / 2023.

A1.Harish

...Petitioner/Accused

/ Versus /

State :The Inspector of police, Thally P.S., Cr.No.153/2023

...Respondent/Complainant

This petition has come up today before this Court in the presence of Tr.A.Elango, Counsel for the petitioner and Tr.M.Vishwabharathi, Public Prosecutor for the respondent. After perusing the petition averments, upon hearing both sides arguments, this Court pronounces the following:

ORDER

Heard on both sides.

This petition is filed by the counsel for the petitioner u/s.439 of Cr.P.C., seeking bail. The petitioner was arrested and remanded to judicial custody on 18.06.2023 for the alleged offence u/s.147, 148, 448, 294(b), 324, 307, 302 of IPC.

2. The learned counsel for the petitioner has submitted that the petitioner has



not committed any alleged offence as stated by the prosecution and due to previous enmity with regard to land dispute the defacto complainant gave false complaint against the petitioner and the petitioner is in judicial custody for the past 48 days and the investigation is already completed and the petitioner is ready to abide the conditions if any to be imposed by this court. Accordingly, prayed for bail to the petitioner.

3. Per contra, the learned Public Prosecutor has strongly objected to grant bail to the petitioner by stating there is a land dispute between the parties and the petitioner and the defacto complainant are neighbours and on 18.06.2023 these petitioners with others unlawfully assembled in front of the defacto complainant house and verbally abused and attacked the defacto complainant and his family members with aruval, cricket stump and bat and the father of the defacto complainant sustained severe head injury and died on the spot and other two persons sustained 11 cut injures and admitted in the Denkanikottai Government Hospital and then referred to Kaveri Hospital, Hosur. The injured were discharged from the hospital and investigation is pending and the petitioner happens to be resident of neighbouring Karnataka State and if the petitioner released on bail then he would abscond, as such securing of the petitioner will be a difficult task for the respondent police, as such prayed for dismissal of application.

4. Records perused. This court has considered the submissions made by both sides. The earlier petition filed by the petitioner for bail in CrI.M.P.No.2704/2023 was dismissed on 28.07.2023 and without mentioning any change of circumstances



again this petition has been filed. The case of the prosecution is that due to previous enmity the petitioner with others attacked the defacto complainant and his family members and the father of the defacto complainant sustained severe head injury and died on the spot and other two persons sustained cut injuries and admitted in the hospital on the same day. The petitioner is resident of neighbouring state of Karnataka residing at Bengaluru and the petitioner presence at the time of trial cannot be secured if the accused is released on bail. In view of the facts and circumstances, the stage of investigation and the gravity of offence, this court is of the considered view that if bail is granted to the petitioner at this stage, there is every chance that the petitioner may threaten the defacto complainant and other important witnesses and also may cause hindrance to the investigation. Hence, this Court is not inclined to enlarge the petitioner on bail.

Thus, this petition is hereby dismissed.

Pronounced by me in the Open Court on this, the 7th day of August 2023

Principal Sessions Judge,
Krishnagiri (FAC)

Copy To: 1) The District Munsif cum Judicial Magistrate, Denkanikottai

2) The Public Prosecutor, Principal District Court, Krishnagiri

3) The Inspector of police, Thally P.S.,

4) Tr.C.Chandhirasekar, Advocate, Krishnagiri.