



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.7467 of 2022

1. Rajasekar
2. Manikandan @ Sarapambumani
3. Dharma

.. Petitioners

Vs.

The State rep. by
The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District.
(Crime No.28 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.28 of 2022 on the file of the respondent police.

For petitioners: Mr.G.Mohammed Aseef

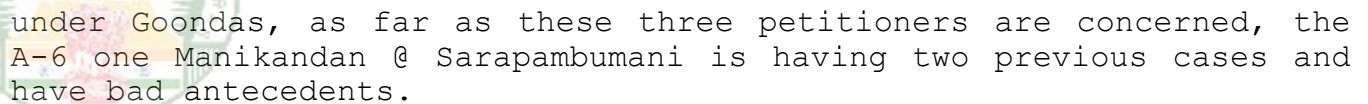
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested for the offence punishable under Section 147, 148, 448, 294(b), 324, 307 and 506(II) of IPC r/w. Section 120(B) of IPC in Crime No.28 of 2022, on the file of the respondent police, seek bail.

2. The petitioners are arrayed as A-1, A-6 and A-8, the case of deadly attack on the de facto complainant causing head injury, it was an attempt on the life of the de facto complainant. However, he survived and treated as In-Patient for nearly 25 days and he is also advised for plastic surgery, as far as case of the prosecution is concerned, due to enmity between the de facto complainant and an auto driver, the members of the Auto Driver Association had went to the de facto complainant's house and armed with deadly weapon and attacked him brutally.

3. The learned Public Prosecutor submits that, out of 14 accused the prime accused is still in abscondance and yet to be secure. Some of the accused persons have bad antecedents and detained



5. Considering the fact that these petitioners/A-1 and A-8 were arrested on 22.01.2022 and remanded on 23.01.2022 and they were a part of the unlawful assembly, only as the members of the auto driver association and no bad antecedents reported against them.

7. Accordingly, the petitioners A-1 and A-8 are ordered to be released on bail subject to the following conditions;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

31/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHUKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE OFFICER INCHARGE,
THIRUTHANI TOWN POLICE STATION, THIRUTHANI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE
PERIYAPALAYAM POLICE STATION,
THIRUVALLUR DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S G.MOHAMMED ASEEF Advocate on payment of necessary charges Sr.4915

CRL OP.7467/2022

Date :31/03/2022

RVR 31/03/2022