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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.509 of 2019

Waship Marikka

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.

3.Ameen @ Kalla Ameen

4.Shahul Hammed

5.Sadam @ Katta

6.Hammed Shahul

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the 2nd Respondent to produce the body or person of the petitioner's brother namely Katchu Maraika @ Mohammed Imrankhan S/o. Amanulla, aged about 32 years before this Hon'ble Court and set him at liberty.

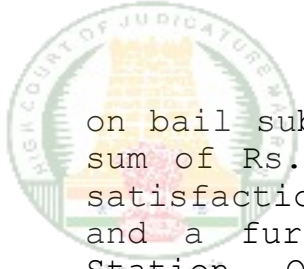
For Petitioner : Mr.C.Susi Kumar

For Respondents 1 & 2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The brother of the detenu, viz., Katchu Maraika @ Mohammed Imrankhan S/o. Amanulla, aged about 32 years, was involved in the alleged commission of offences under Sections 294(b) and 302 I.P.C. in Crime No.9 of 2019 registered by Keelakarai Police Station and he is arrested as accused No.1 and the detenu filed a bail petition in Cr.M.P.No.605 of 2019 on the file of Principal District and Sessions Judge, Ramanathapuram and by order dated 19.03.2019, he was enlarged



on bail subject to the condition that he shall execute a bond for a sum of Rs.25,000/- with two sureties each for the like sum to the satisfaction of the learned Judicial Magistrate No.1, Ramanathapuram and a further condition that he shall report before G1 Police Station, Ooty, daily at 10.00 a.m. and 5.00 p.m. until further orders and also other usual conditions. The petitioner alleging that he immediately on coming out on bail went to the house of his sister Mohammed Mathina Beevi W/o. Sadam Husain on 22.03.2019 and thereafter, he was missing from 15.04.2019.

2.The learned counsel appearing for the petitioner would submit that he had received a phone call from the 5th respondent informing that the detenu has been murdered and the conversation has been recorded in his mobile phone and the same was also informed to the second respondent police and despite that no action whatsoever has been taken to trace out the detenu. Therefore, the petitioner being the brother of the detenu, constrained to file this Habeas Corpus Petition.

3.Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the State on instructions would submit that based on the complaint of the petitioner a case in Crime No.76 of 2019 has been registered by the second respondent on 26.05.2019 for man missing and the investigation is on. It is also the submission of the learned Additional Public Prosecutor that steps are being taken to cancel the bail granted to the detenu and investigation of the case in Crime No.76 of 2019 is also proceeding on right lines.

4.This Court considered the rival submissions and perused the materials placed before this Court.

5.Admittedly, the petitioner is arrayed as accused No.1 in Crime No.9 of 2019 registered by the second respondent police for the alleged offences under Sections 294(b) and 302 I.P.C. and was enlarged on bail by the Principal Sessions Court, Ramanathapuram vide Cr.M.P.No.605 of 2019 and according to the Additional Public Prosecutor after enlarged on bail, he did not comply with the conditions as stipulated even for a single day and the call details said to have been given by the petitioner will be taken note of and the investigation will be done in respect of the criminal case in Crime No.76 of 2019 and further steps would also be taken to cancel the bail granted to the petitioner.

6.In the light of the above submissions, this Court directs the Superintendent of Police, Ramanathapuram District to monitor the investigation in respect of the case in Crime No.76 of 2019, registered by the second respondent and the second respondent is directed to take steps to cancel the bail granted to the detenu in Crime No.9 of 2019 and also file a status report once in a month before this Court and as and when the detenu is traced he shall be produced before the Judicial Magistrate No.1, Ramanathapuram for the purpose of passing appropriate orders as to the custody.



7.The Habeas Corpus Petition is disposed of with the above directions.

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Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS-)

sj
To

- 1.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
- 3.The Judicial Magistrate No.I,
Ramanathapuram
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-69533[F] dated 18/06/2019)

H.C.P(MD) No.509 of 2019
17.06.2019

ES/27.06.2019/3P/6C