



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/02/2020

PRESENT

The Hon'ble Mr. Justice G.R. SWAMINATHAN

CRL OP(MD). No.1346 of 2020

Mohammad Athick

... Petitioner/Accused A1

Vs

The State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.6/2020

... Respondent/Complainant

For Petitioner : M/s.R.Babu Jaganath,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 6/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

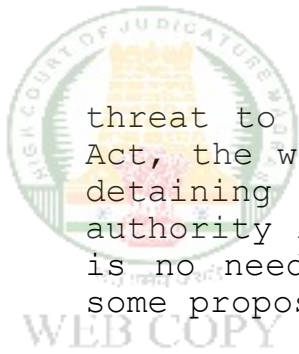
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 03.01.2020 for the offences punishable under sections 147, 148, 342, 294(b), 323, 324, 506(ii), 364 and 307 of I.P.C., in Crime No.6 of 2020 on the file of the respondent police. He seeks bail.

3.It is a case of abduction and assault of the victim.

4.The learned Government Advocate (Crl.side) strongly opposed the grant of bail by pointing out that the petitioner is involved in seven other cases. It appears that there is some proposal to detain the petitioner under the Goondas Act.

5.I am of the view that even if the petitioner is granted bail and the authorities of the view that his being at liberty, poses a



threat to public order, he can still be detained under the Goondas Act, the whereabouts of the petitioner will have to be known to the detaining authority. Subject to the satisfaction of the detaining authority is more important. I am therefore of the view that there is no need to deny him relief merely on the ground that there is some proposal to detain the petitioner under the Goondas Act.

6.The petitioner's counsel also states that the issue has also been amicably resolved with the victim.

7.Taking note of the period of incarceration, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Ramanthapuram District.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

sd/-
03/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE NO II,
RAMANATHAPURAM.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.



4.THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.2089

ORDER

IN

CRL OP(MD) No.1346 of 2020

Date :03/02/2020

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TK/PN/SAR.2/03.02.2020/3P/7C