



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/12/2020

PRESENT

The Hon`ble **Mr.Justice S.M.SUBRAMANIAM**

CRL OP(MD). No.14097 of 2020

A.Raja Mohamed

... Petitioner/Accused

Vs

State rep.by  
The Inspector of Police,  
Palakkarai Police Station,  
Trichy.  
Crime No. 731/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Thiyagarajan,  
Advocate.

For Respondent : Mrs.M.Ananthadevi,  
Government Advocate (Crl.Side)

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

PRAYER :-

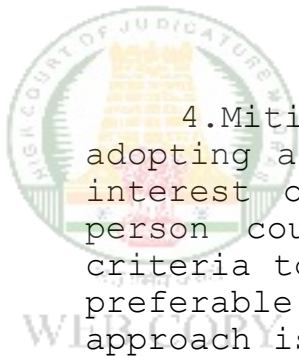
For Bail in crime No. 731 of 2020 on the file of the  
respondent police

ORDER : The Court made the following order :-

The petitioner/accused was arrested and remanded to Judicial Custody on 27.09.2020, for the offences punishable under Section 395 I.P.C. in Crime No.731 of 2020, on the file of the respondent police. He seeks bail.

2.The petition for bail filed mainly on the ground that the petitioner was arrested on 27.09.2020 and the learned counsel for the petitioner states that the petitioner is newly married and has got a baby. In view of the fact that the family of the petitioner is suffering, the petitioner is to be released on bail.

3.The learned Government Advocate (Crl.side) raised a serious objection by stating that the petitioner has involved in seven previous cases and all are serious offences. The petitioner is a habitual offender and even in the year 2020, he has involved in ~~other cases~~. Thus, the bail petition is to be dismissed.



4.Mitigating factors are to be considered for the purpose of adopting a balancing approach in the matter of grant of bail. The interest of the society and the personal liberty of the accused person coupled with the facts and circumstances are to be the criteria to be taken in to account. Thus, mechanical approach is not preferable while considering the bail petitions. Arithmetical approach is also not safe. Thus, a practical and pragmatic approach would be the best method to make an assessment whether the person is entitled to be released on bail or not.

5.In the present case, the following six previous cases are registered against the writ petitioner:

- (1)Crime No.1335/2016 under Section 392 IPC,
- (2) Crime No.81/2016 under Section 25(1B) (b) of Arms Act, 4(a), 5, 6 IES Act, 147, 148 and 353 IPC,
- (3)Crime No.102/2016 under the Arms Act,
- (4) Crime No.451/2018 under Section 302 IPC,
- (5)Crime No.225/2016 under Sections 307 and 341 IPC and
- (6)Crime No.375/2016 under Section 302 IPC

Two murder cases were registered against the petitioner. Two cases were registered under Arms Act and one case under Section 392 IPC and another under Section 307 IPC. All the cases are serious in nature. Even recently, he has involved in crime. In the event of releasing such nature of persons, it would be detrimental to the society at large and people of that locality cannot be living peace. contrarily, the respondent police has to expedite the investigation and file a final report enabling the trial Court to proceed with the trial at the earliest possible. In the event of releasing the petitioner on bail, it is undoubtedly, would cause prejudice to the interest of the society and therefore, this Court is not inclined to grant bail. However, the respondent Police is directed to expedite the investigation and file a final report enabling the trial Court to proceed with the trial as expeditiously as possible.

6.Accordingly, the Criminal Original Petition is dismissed.

sd/-  
04/12/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.
2. THE INSPECTOR OF POLICE,  
PALAKKARAI POLICE STATION,  
TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.14097 of 2020  
Date : 04/12/2020

RMK  
AE/JC/SAR-III (18.12.2020) 3P / 4C