

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Monday, this the 18th day of January -2021.

Crl.M.P.No.160/2021

Syed Ismail (Satham Ottaiyan), S/o.Jeelani

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Subramaniyapuram P.S. Cr.No.1538/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.G.GuruRajaSekar, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail application u/s 439 of Cr.P.C.

2. The offences alleged are u/s 392 r/w 397 and 506(ii) of IPC.

3. Heard both sides.

4. The learned counsel for the petitioner would submit that a case has been registered by the respondent police against the petitioner for the offence under section 392 r/w 397 and 506(ii) of IPC. The date of occurrence was on 9.12.2020. The petitioner was arrested and remanded to judicial custody on the same day and he is in judicial custody for the past 41 days. The petitioner is falsely implicated in this case. Investigation is over and he prays to grant bail to the petitioner.

5. The learned public prosecutor has submitted that single accused in this case. On 9.12.2020, the petitioner committed robbery of Rs.450/- from the defacto complainant at knife point. Hence, the case. The petitioner has been detained under Goondas Act on 16.1.2021. Investigation is pending and he objected to grant bail to the petitioner.

6. The petitioner is said to have committed robbery of Rs.450/- from the defacto complainant at the knife point, consequently, the present case came to be registered. The learned public prosecutor submitted that the petitioner was detained under Goondas Act. The petitioner has been in judicial custody for the past 41 days. Detention of the accused under Goondas Act is not a bar to allow a bail petition. Considering the duration of the custody and also considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on condition.

7. In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate, No.4, Madurai subject to condition that after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.m. until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses. He shall not induce witnesses and he shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560**. Accordingly this petition is allowed.

Pronounced by me in Open Court on the 18th day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.No.4. Madurai.
2. The Inspector of Police, Subramaniyapuram P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.