



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

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

**The Hon`ble Mr Justice P.N.PRAKASH**

CRL OP(MD) No.2507 of 2015

NEHRU @ EELA NEHRU

... PETITIONER/ACCUSED

Vs

STATE REP BY

THE INSPECTOR OF POLICE

K.K.NAGAR POLICE STATION, TRICHY,

CRIME NO.596/2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S. P. PUGALENTHI Advocate

For Respondent :M/S.P.KANNITHEVAN,

Govt. Advocate ( Crl. Side)

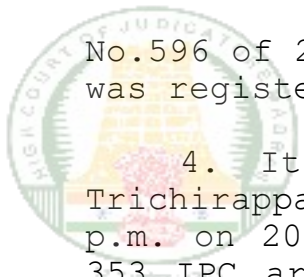
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 18.11.2014 and remanded to judicial custody on 19.11.2014 for the alleged offences punishable under Sections 306, 309, 353 and 120-B IPC in Crime No.596 of 2014 on the file of the respondent police, seeks bail.

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

3. The case of the prosecution is that this petitioner is a Srilankan refugee and was lodged in Srilankan Refugee Special Camp at Trichy. It is alleged that the defacto complainant in this case is the Special Revenue Inspector attached to the said Refugee Camp. According to the defacto complainant, this petitioner was leading a Hunger Strike in the Refugee Camp praying for early release from the Camp. On 18.11.2014, the defacto complainant went to the Camp and tried to persuade the petitioner to give up his strike and return to normalcy. The petitioner did not accede to the request of the authorities to give up the agitation and hence, the Special Revenue Inspector tried to bring in medical aid for saving the life of the petitioner. This was stiffly resisted by the petitioner and the co-accused. Therefore, the Special Revenue Inspector lodged the present complaint, based on which, a case in K.K.Nagar Police Station Crime



No.596 of 2014 for offences under Sections 309, 353 and 120(b) IPC, was registered against the petitioner and the co-accused.

4. It appears that the learned Judicial Magistrate No.II, Trichirappalli initially granted bail to this petitioner at 05:00 p.m. on 20.11.2014, on the erroneous premise that Sections 309 and 353 IPC are bailable offences. On the same day, i.e., 20.11.2014, the respondent police filed an alteration report at 05:45p.m. praying for adding of the provisions of Section 124(A) IPC against the accused persons. The respondent police filed an application in CrI.M.P.No.10467 of 2014 for cancellation of the bail that was granted to the petitioner. Learned Magistrate ordered notice on the accused and the learned counsel for the accused sought two weeks' time to file counter. Learned Magistrate felt that the counsel was dragging on the proceedings unnecessarily and in view of the fact that the petitioner is a foreigner and if he is released on bail, he will escape from the clutches of law, learned Magistrate cancelled the bail on 21.11.2014. The accused moved the Sessions Court in CrI.M.P.No.2263 of 2014 and the same was dismissed by the learned Judge on 12.12.2014.

5. Before this Court, learned counsel for the petitioner submitted that the petitioner went on hunger strike in order to press his legitimate grievances and that should not be stifled. The State has filed a detailed counter, opposing the grant of bail to the petitioner by contending that he is involved in three other similar offences and in K.K.Nagar Police Station Crime No.103 of 2014, he has been bound over under Probation of Offenders Act on 08.10.2014.

6. From this, it appears that Courts in this country have been treating the petitioner humanely and even released him under Probation of Offenders Act, but this petitioner's conduct has not in any manner changed. He has been inciting the inmates to agitate and cause law and order problem to the authorities.

7. Under such circumstances, this is not a fit case to grant bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-  
23/02/2015

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. II  
TRICHIRAPPALLI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
TRICHY DISTRICT

3. THE OFFICER-IN-CHARGE  
CENTRAL PRISON-2  
PUZHAI  
CHENNAI

4. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT  
MADURAI

5. THE INSPECTOR OF POLICE  
K.K.NAGAR POLICE STATION, TRICHY,

RL/6 C- 26/2/2015

ORDER  
IN  
CRL OP (MD) No.2507 of 2015  
Date : 23/02/2015