

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.3617 of 2017

1.Akhil Sebastian
2.Akhil Chandran

..Petitioners

Vs

1. State by Inspector of Police,
B7, Vellavedu Police Station.
2. Sachin
3. Aleepkan
4. Gerin George
5. Vidhun
6. Nithin

.. Respondents

Prayer:- Criminal Original Petition filed under Section 439 (2) of Cr.P.C., to cancel the bail granted to the respondents no.2 to 6, vide order dated 06.02.2017 passed by the Judicial Magistrate Court No.II, Poonamallee in Crl.M.P.No.530 of 2017 and direct the respondents no.2 to 6 be committed to custody pending the decision of this case.

For Petitioner	:	Mr.Naveen Kumar Murthi
For R1	:	Mr.C.Emalias, Addl. Public Prosecutor
For RR2 to 6	:	Mr.B.Mohanraj

ORDER

This petition has been filed to cancel the anticipatory bail granted to the petitioners on 06.02.2017 in CrI.M.P.No.530 of 2017 on the file of Judicial Magistrate No.II, Poonamallee.

2. On the complaint lodged by Fayaz Rizvi, the respondent police has registered a case in Crime No.139 of 2017 on 04.02.2017 for the offences under Sections 294 (b), 341, 324 and 506 (2) IPC against the 5 accused, viz., i) Sachin, ii) Alifkhan, iii) Jerin, iv) Vidhun and v) Nithin.

3. It is the case of the complainant that he is a student of International Maritime Academy, Pudhuchatram near Tiruvallur and the accused also belonged to the same institution. While so, it is alleged that on 03.02.2017, the accused attacked the de-facto complainant and other students, in which the victims suffered grievous injuries.

4. Admittedly, all the 5 accused were arrested by the police on 04.02.2017 and they were remanded to Judicial custody. While so, the accused were granted bail in CrI.M.P.No.530 of 2017 on 06.02.2017 by the learned Judicial Magistrate No.II, Poonamallee on the following conditions:

"Hence, considering the facts and circumstances that the petitioners are inside the prison from 04.02.2017, the injured

was discharged from hospital and treated as outpatient, in the interest of justice this petition is allowed on stringent conditions. Petitioners will be released on executing a bond for Rs.10,000/- together with two sureties one of the surety shall be a local surety and another surety shall be a blood relative. Further the petitioners shall appear and sign before the respondent police daily at 10.00 am until further orders."

5. Aggrieved by the said bail order, the victims have filed the present application for cancellation of bail.

6. Today, Mr.N.S.Nagalingam, Inspector of Police, B7, Vellavedu Police Station, Thiruvallur District is present. On the direction of this Court, notice was served on the accused and all of them are present before this Court. Mr.B.Mohanraj, learned counsel entered appearance for the accused.

7. The learned counsel for the victims submitted that the accused had unleashed lethal attack on the victims and others and they were treated with kid glove by the Court by releasing them on bail within two days of their arrest. He also submitted that the victims were in the hospital. But however, the Magistrate has recorded that they have been discharged.

8. Per contra, the learned counsel for the accused submitted that

the accused have been suspended from the College and they are also facing the prosecution, and their life is ruined on account of this Criminal case against them.

9. This Court gave its anxious consideration to the rival submissions.

10. The fact remains that the victims and accused were from the same institution and it also appears that they hail from Kerala. The accused have no previous bad antecedent. It is a trite law that the parameters for grant of bail is one thing and the parameters for cancellation of bail is yet another thing. The accused received summons from the Court and they have appeared before this Court, which shows that they may not abscond during trial. In such view of the matter, this Court is of the view that it may not be in the interest of justice to cancel the bail that was granted to the accused. But, however, this Court is of the view that opportunity should be given to them for reformation.

11. In the result, this petition is closed, with further direction to the 5 accused who are present before this Court, to stay in Madurai and report before the Curator, Mahatma Gandhi Ashram, Madurai at 10.30 am

<http://www.judis.nic.in> daily and take part in the activities of the Ashram for a period of four

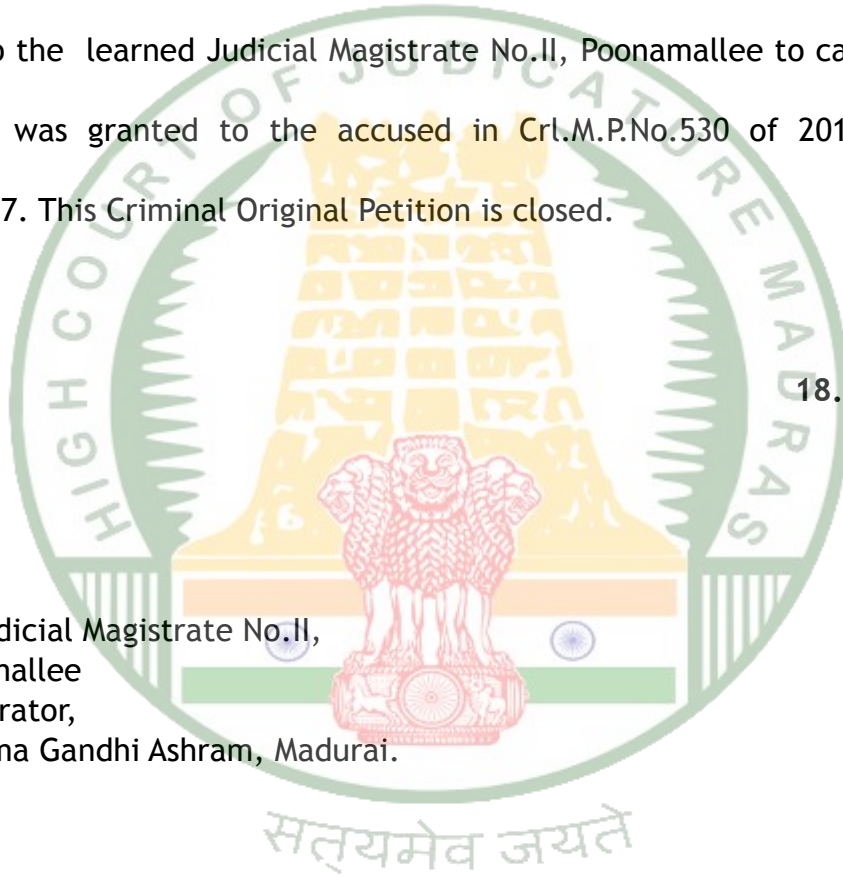
weeks. The Curator of the Gandhi Ashram is requested to send a report to the learned Judicial Magistrate No.II, Poonamallee about the conduct of the accused. The accused shall also appear before the Trial court on receipt of summons. In the event of the accused not complying with this condition, it is open to the learned Judicial Magistrate No.II, Poonamallee to cancel the bail that was granted to the accused in Crl.M.P.No.530 of 2017 dated 06.02.2017. This Criminal Original Petition is closed.

18.09.2017

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To

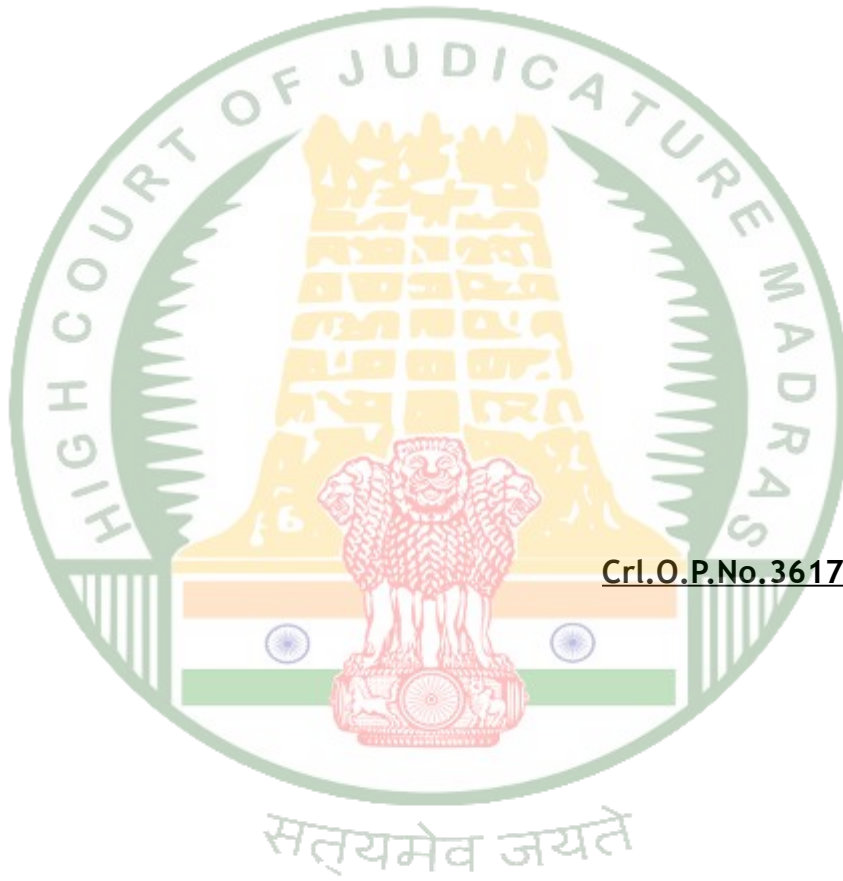
1. The Judicial Magistrate No.II,
Poonamallee
2. The Curator,
Mahatma Gandhi Ashram, Madurai.



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P.N.PRAKASH, J.

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