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W.P.(CrI).No.1216 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P.(CrI).No.1216 of 2025
W.P.MP.(CrI).No.580 of 2025
and W.P.MP.(CrI).No.186 of 2026

Lee Tiek Yien

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public (Foreigners-III) Department,
Fort St. George,
Chennai – 600 009.

2.The District Collector
Thiruchirappalli District,
Tiruchirappalli.

3.State Rep. by
The Inspector of Police,
CBCID, Cyber Crime Cell,
Chennai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records passed by the 1st respondent in Ref No. with G.O.(1D) No.414 dated 18.09.2024, quash the same.



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W.P.(CrI).No.1216 of 2025

For Petitioner : Mr.M.Chandru

For R1 to R3 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

This Writ Petition (Criminal) has been filed to quash the proceedings of the 1st respondent in Ref No. with G.O.(1D) No.414, Public (Foreigners-III) Department, dated 18.09.2024, directing the petitioner's confinement in a Special Camp, thereby nullifying the effect of the bail order.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is a Malaysian Citizen. He visited India on tourist visa and committed offence punishable under Sections 419, 420, 468, 471, 120B of IPC and Sections 4 and 20 of the Indian Telegraph Act, 1885. In pursuant to the registration of FIR, he was arrested and remanded to judicial custody. After completion of investigation, the 3rd respondent filed final report and the same has been taken cognizance by the Trial Court in C.C.No.1946 of 2024 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and it is pending for trial.



W.P.(CrI).No.1216 of 2025

WEB COPY

4. Though the petitioner was granted bail in the said case, the Civil Authority directed the petitioner to reside in the special camp by way of order impugned in this writ petition dated 18.09.2024.

5. The learned counsel appearing for the petitioner submits that the provision under Section 3(2)(e) of the Foreigners Act, 1946 is applicable for the Foreigners, who are visiting India without proper documentation and even the petitioner is not facing any criminal prosecution under the Foreigners Act, 1946 and Passports Act, 1967. Therefore, the Civil Authority has no power to retain the petitioner in the Special Camp.

6. On perusal of the records and on the submission made by the learned counsel appearing for the petitioner, it is revealed that admittedly the petitioner is a Malaysian Citizen and while visiting India, he had committed offence. It is pending for trial in C.C.No.1946 of 2024. Therefore, the petitioner is being a foreigner do not have any residence in India. Therefore, though he was granted bail, he was directed to reside in the Special Camp for foreigners.



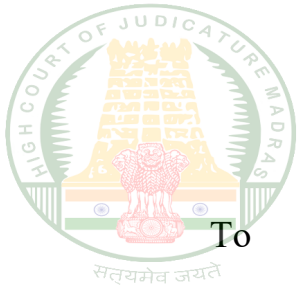
W.P.(CrI).No.1216 of 2025

7. Further, there is apprehension that the petitioner leave India without attending the trial pending before the Trial Court in C.C.No.1946 of 2024, the Civil Authority can impose restriction when the foreigner committed offence in India in respect of his custody in Special Camp. Therefore, though petitioner was granted bail, he was rightly directed to reside in the Special Camp as identified by the District Collector, Thiruchirappalli. Hence, this Court finds no infirmity or illegality in the order passed by the 1st respondent.

8. Accordingly, the Writ Petition (Criminal) is dismissed. However, the XI Metropolitan Magistrate, Saidapet, Chennai is directed to complete the trial in C.C.No.1946 of 2024 in accordance with law, within a period of six months from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

08.07.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dm



W.P.(CrI).No.1216 of 2025

To

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- 1.The Secretary to Government,
State of Tamil Nadu,
Public (Foreigners-III) Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector
Thiruchirappalli District,
Tiruchirappalli.
- 3.The Inspector of Police,
CBCID, Cyber Crime Cell,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



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W.P.(Crl).No.1216 of 2025

G.K. ILANTHIRAIYAN, J.

dm

W.P.(Crl).No.1216 of 2025

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