



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

Tuesday, the Twenty Ninth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17633 and 17661 of 2015

SUBASHKHAN@JEEVAN@RAJA@PIVA ... PETITIONER/ACCUSED NO.4
IN CRL OP(MD) No.17633

KRISHNAKUMAR ... PETITIONER/ACCUSED NO.1
IN CRL OP(MD) No.17661

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
Q BRANCH CID, RAMANATHAPURAM
(CRIME NO. 1 OF 2015)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

FOR PETITIONER : M/S G.BHAGAVATH SINGH,ADVOCATE
FOR M/S.T.BANUMATHI IN BOTH THE PETITIONS

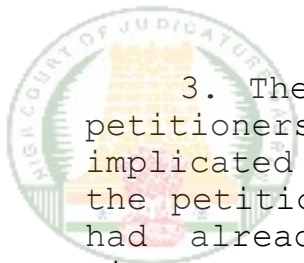
FOR RESPONDENT : MR.CHELLAPANDIAN, ADDITIONAL ADVOCATE GENERAL
FOR MRS.S.PRABHA, GOVT. ADVOCATE (CRL. SIDE)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The Petitioners, who are arrayed as A1 and A4 and they were arrested and remanded to judicial custody on 20.07.2015 and 26.07.2015 for the alleged offences punishable under sections 10(a) (i) & (iv) and 38(1) of Unlawful Activities (Prevention) Act, 1967, section 3(a) r/w 12(1)(a) of Passport Act, 1967, sections 3 and 14 (c) of Foreigners Act, 1946, section 6 Poisons Act, 1919 and section 419 of IPC, in Crime No.1 of 2015 on the file of the respondent police and hence, seeks bail respectively.

2. The case of the prosecution is that on 20.07.2015 at 8.30 p.m. when the respondent police conducting vehicle check up, they intercepted a TATA Indica Car bearing registration no.TN-07-BK-3574, in which the accused were found in possession of 75 Cyanide capsules, 300 grms, chemicals, 4 GPS Instruments, 9 cell phones, Indian Currency of Rs.46,200/-, Sri Lankan Currency of Rs.19,300/- and one sovereign of gold chain and the respondent police arrested the accused and seized the entire contraband along with the car.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The learned counsel further submitted that the petitioners are Sri Lankan Refugees; that the respondent police had already recovered all the properties and that since the witnesses are Government officials, there is no possibility of tempering witnesses and that in the event of release of the petitioners, they will be placed only in the Refugees Camp and hence, there is no chance of absconding.

4. The learned counsel further submitted that the petitioners are in jail from 21.07.2015 and 26.07.2015 respectively and hence, their bail petitions may be considered sympathetically.

5. Mr.K.Chellapandian, the learned Additional Advocate General filed a counter affidavit of the respondent and submitted that the accused are Sri Lankan refugees and they are the members of LTTE and if they are released on bail, there is every possibility of absconding and tempering of witnesses. It is further submitted that the investigation is at the initial stage and some of the accused have to be secured.

6. Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners at this stage. Hence, these petitions are dismissed.

sd/-
29/09/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
Q BRANCH CID, RAMANATHAPURAM
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

ORDER
IN
CRL OP(MD) No.17633 and 17661 of 2015
Date :29/09/2015