



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.22965 of 2018

S.KUMARESAN

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

1 STATE REP.BY

THE INSPECTOR OF POLICE
MANAVALAKKURICHI POLICE STATION,
MANAVALAKKURICHI, KANYAKUMARI DISTRICT.
IN CRIME NO.165 OF 2018

... RESPONDENT/ COMPLAINANT

2 THE ASSISTANT SUPERINTENDENT OF POLICE,
KULACHAEL SUB DIVISION, KULACHAEL,
KANYAKUMARI DISTRICT.

... 2nd RESPONDENT/ 2nd RESPONDENT

For Petitioner : Mr.S.PALANI VELAYUTHAM, Advocate

For Respondent : Mr.R.ANANDHARAJ, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

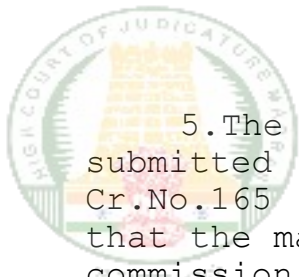
ORDER : The Court Made the following order :-

The petitioner moved this application for anticipatory bail in the event of his arrest in Cr.No.165 of 2018, on the file of the Inspector of Police, Manavalakkurichi Police Station, Kanyakumari District.

2.The petitioner moved this application pursuant to the summon issued by the respondent police under Section 160 Cr.P.C. in connection with Cr.No.165 2018. By summon, dated 12.12.2018, the Deputy Superintendent of Police, Kulachal Sub Division, Kanyakumari District, summoned the petitioner for an enquiry in connection with Cr.No.165 of 2018, registered on the file of the Inspector of Police, Manavalakkurichi Police Station, Kanyakumari District.

3.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4.The learned Counsel for the petitioner submitted that the petitioner is aged about 60 years and he is suffering with old age ailments and he is harassed by the police unnecessarily without any basis.



5.The learned Additional Public Prosecutor, on instructions, submitted that the petitioner is not arrayed as an accused in Cr.No.165 of 2018. However, the respondent police got information that the main accused have visited the petitioner's house before the commission of offence and only to find out the nexus if any between the petitioner and the main accused, he was summoned for an enquiry.

6.The Cr.No.165 of 2018 was registered on the complaint of the Chief Manager, Security, The Indian Rare Earths Limited, for the offences punishable under Sections 447 of IPC r/w 14(B), 14(A) and 14(C) of the Foreigners Act, 1946. According to the complaint, on 26.11.2018, at about 10.30 hours, two French nationals along with a Paris Priest attempted to enter into their premises and had taken photographs in the prohibited area in a suspicious circumstance.

7.The Indian Rare Earth Limited is a Government Organisation under the Department of Atomic Energy. The Indian Rare Earth Limited, Manavalakkurchi, Kanyakumari is a restricted zone and private person are not permitted inside without following the standard operating procedures as provided by the Department of Atomic Energy.

8.The petitioner is not arrayed as an accused in Cr.No.165 of 2018, as such the question of anticipatory bail does not arise. The summon was issued only under Section 160 of Cr.P.C., as a witness summon to find out the reasons for the visit of those Foreign nationals with the petitioner. Considering the facts and circumstances of the case, this Court is inclined to issue the following directions:

"1)The petitioner shall appear before the respondent police on 04.01.2019, at about 10.30 am for the enquiry.

2)The respondent police shall complete the enquiry on 04.01.2019 and 05.01.2019 and shall not harass or arrest the petitioner till 07.01.2019.

3)If the petitioner is failed to appear before the respondent police as directed, it is open to the respondent police to proceed in accordance with law."

9.With the above directions, the criminal original petition is closed.

sd/-
27/12/2018

/ TRUE COPY /

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



TO

1 THE INSPECTOR OF POLICE
MANAVALAKKURICHI POLICE STATION,
MANAVALAKKURICHI, KANYAKUMARI DISTRICT.

2 THE ASSISTANT SUPERINTENDENT OF POLICE,
KULACHAEL SUB DIVISION, KULACHAEL,
KANYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.S.PALANI VELAYUTHAM Advocate SR.No.24169

ORDER

IN

CRL OP(MD) No.22965 of 2018

Date :27/12/2018

MS/PN-AC/SAR-3/31.12.2018/3P.5C