

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 26.05.2020

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THE HONOURABLE MR. JUSTICE **M. NIRMAL KUMAR**

Crl.O.P.Nos.7834 and 7835 of 2020

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... Petitioner  
in Crl.O.P.7834/2020

Dar Watt

... Petitioner  
in Crl.O.P.7835/2020

Vs.

State rep. by  
The Inspector of Police,  
Needamangalam Police Station,  
Tiruvarur.  
(Crime.No.202/2020)

... Respondent  
in both Crl.O.Ps

**Prayer in both Crl.O.Ps:** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in the Crime No.202/2020 on the file of the Respondent police.

For Petitioner : M/s.K.M.Aasim Shehzad  
BFS Legal

For Respondent : Mr.S.Karthikeyan,  
Additional Public Prosecutor

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## **COMMON ORDER**

The petitioners were arrested and remanded to judicial custody on 22.04.2020 for the offence punishable under Section 188 IPC r/w 3 of Epidemic Act, 1897 & 14 of Foreigners Act, 1946 and 51(b) of Disaster Management Act, 2005 in Crime No.202 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners, who are the citizens of Myanmar, came to India on tourist visa and they came to Needamangalam and have conducted religious meeting. During the meeting, they violated the rules of the Government of Tamil Nadu and the Central Government. They have not followed the social distancing during the religious meeting. Therefore, the police registered a case. The petitioners and other the co-accused have caused the spread of Covid-19 among the people of Needamangalam and the places around there. Hence, the case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners, who are the citizens of Myanmar, had visited India on valid tourist

visa issued by the Government of India. They had visited India during their holidays to experience Indian culture, traditions, hospitality and food. On their arrival at New Delhi Airport, the petitioners were subjected to Covid-19 virus test and found negative and thereafter only, they were permitted to leave the Airport. Thereafter, they came to Needamangalam and stayed at Masjid. As a devout muslim, they used to offer prayer five times a day and they have not propagated any religious activity. They were staying in the mosque and were enjoying the hospitality of the locality. While they were staying in the mosque, they had interactions with the local Muslim. Other than this, they have no other religious activity. Further, in this case, 13 persons were shown as accused and almost others have been granted bail.

4. The learned counsel appearing for the petitioners further submitted that the petitioners, due to sudden travel restrictions, were unable to go back to their home and they have been compelled to stay here and they never violated any provisions of the Epidemic Act and the Foreigners Act. The petitioners were arrested for violating Section 144 Cr.P.C. Thereafter, the petitioners were granted bail by the Judicial Magistrate, Needamangalam, against which the respondent police had moved a cancellation of bail application before the Chief Judicial Magistrate, Thiruvarur, and the bail

granted to the petitioners was cancelled. Again, the petitioners were remanded to judicial custody on 22.04.2020 while being kept in quarantine. The petitioners' passports have also been seized. The petitioners, after their quarantine period, were transferred to Puzhal Central Prison, Chennai. The petitioners, were subsequently transferred to the Sub-Jail, Saidapet. Hence, he prays for grant of bail to the petitioners.

5. The learned counsel for the petitioners further submitted that the foreign nationals, who are facing similar accusation as that of the petitioners, have been granted bail and now, they are staying in the Special Camp at Puzhal, Chennai. The Government of Tamil Nadu, by G.O.(2D), No.99, dated 22.04.2020, had declared that the premises of the Transit Yard in Puzhal prison, Puzhal as special camp to lodge the foreign nationals who have violated the visa conditions and committed other offences.

6. The learned Additional Public Prosecutor submitted that the petitioners, who are the citizens of Myanmar, came to India on tourist visa and attended religious conference at New Delhi and thereafter, they have been sent to various parts of the country. These two petitioners along with other accused, had come to Needamangalam and were propagating their religion against the

norms of the visa. Further, during the restrictions imposed in the endemic period, they had moved with others violating the social distance and thereby violated the guidelines issued by the Government in preventing the spread of Covid-19. Thereafter, the petitioners were arrested and lodged to the Sub-Jail, Saidapet.

7. Considering the rival submissions made on either side and on perusal of the records, it is admitted that the petitioners are the citizens of Myanmar and were subjected to Covid-19 screening on their arrival at New Delhi Airport and found negative and thereafter, they were permitted to leave the Airport and they had reached Needamangalam and stayed in the mosque. Hence, the petitioners so far, had no contact of Covid-19 virus and they are not the cause for the spread of Covid-19. Further, the petitioners' passports are already seized by the respondent police. Hence, chances of fleeing away is not there. Further, the petitioners have entered into India only through valid documents. Almost all the accused in this case have been granted bail. In view of the above, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

**M.NIRMAL KUMAR, J.**

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(a) the petitioners shall execute their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only) each before the Superintendent of the concerned prison;

(b) the petitioners shall not leave the Chennai city;

(c) further, in view of G.O.(2D), No.99, dated 22.04.2020, the petitioners on their release from Sub-Jail, Saidapet, be lodged at the Special Camp at Puzhal, Chennai.

26.05.2020

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Index : Yes/No

Speaking order/Non-speaking order

To

1. The Inspector of Police,  
Needamangalam Police Station,  
Tiruvarur.

2. The Public Prosecutor,  
High Court, Madras.

Crl.O.P.Nos.7834 and 7835 of 2020

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