

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.Nos.7851, 7852, 7853, 7854, 7855, 7856,
7857, 7858, 7859 & 7866 of 2020

1. Tinngwe Deogin Amirranjan, (M/59),
S/o. Deogin Amirranjan. ... Petitioner/A9 in Crl.O.P.No.7851/2020
2. Myo Hlaing Win, (M/23),
S/o. Memevalay. ... Petitioner/A8 in Crl.O.P.No.7852/2020
3. Kyawzin Thet, (M/191),
S/o. Aungshwe Yangon. ... Petitioner/A7 in Crl.O.P.No.7853/2020
4. Khinzaw, (M/53),
S/o. Udteshwar Yangon. ... Petitioner/A6 in Crl.O.P.No.7854/2020
5. Manug Manug Latt, (M/72), (Senior Citizen),
S/o. Aliathamath Manthily Sihway. ... Petitioner/A5 in Crl.O.P.No.7855/2020
6. Saw Win, (M/6),
S/o. Umama Yangon. ... Petitioner/A4 in Crl.O.P.No.7856/2020
7. Manug Manug Latt, (M/58),
S/o. Imam By Annoma. ... Petitioner/A2 in Crl.O.P.No.7857/2020
8. Min Min Dun, (M/42),
S/o. Utchozai Yangon. ... Petitioner/A1 in Crl.O.P.No.7858/2020

9. Jamaludeen @ Zaw Min, (M/52),

S/o. Thagith Kawkareik. ... Petitioner/A3 in CrI.O.P.No.7859/2020

10.Min Anug (M/33),

S/o. Allami Amirranjan. ... Petitioner/A11 in CrI.O.P.No.7866/2020

Vs.

The State Rep by

The Inspector of Police,

Needamangalam Police Station,

Tiruvarur.

Crime No.202 of 2020

... Respondent in all CrI.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 439

Cr.P.C., to enlarge the petitioners on bail concerned in Crime No.202 of 2020

pending on the file of the respondent.

For Petitioners in all CrI.O.Ps.: M/s. BFS Legal

For Mr. K. M. Aasim Shehzad

For Respondent in all CrI.O.Ps.: Mr. S. Karthikeyan,

Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on **22.04.2020** for the alleged offences punishable under Section **188**

IPC r/w 3 of Epidemic Diseases 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, seeks bail.

2. The case of the prosecution is that the petitioners who are the citizens of Myanmar, came to India on tourist visa. Then they came to Needamangalam conducted religious meeting against the Visa condition. 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. The petitioners and along with other 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. Only thereafter, they were permitted to leave the Airport. Thereafter, they came to Needamangalam and stayed in a Masjid. As a devout Muslim, they used to offer prayers 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. He would further submit that co-accused in this case have already been granted bail by this Court by order dated 26.05.2020 in CrI.O.P.Nos.7834 & 7835 of 2020.

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. Unfortunately, the petitioners were falsely arrested for violation Section 144 Cr.P.C. Thereafter, the petitioners were granted bail by the learned Judicial Magistrate, Needamangalam, against which, the respondent police moved a cancellation of bail application before the Chief Judicial Magistrate, Thiruvarur following which, the bail granted to the petitioners was cancelled and the petitioners were again remanded to judicial custody on 22.04.2020 and kept in quarantine. The petitioners' passports have been seized. The petitioners, after their quarantine period, were transferred to Puzhal Central

Prison, Chennai. Subsequently, they were 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 since, 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 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 pandemic period, they had moved with others violating the social distancing and thereby they violated the guidelines issued by the Government in

preventing the spread of Covid-19. Therefore, the petitioners were arrested and lodged at the Sub-Jail, Saidapet. Hence, he opposed for the grant of bail to the petitioners.

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. Only thereafter, they were permitted to leave the Airport and they had reached Needamangalam and stayed in a 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 have already been seized by the respondent police. Hence, possibility of fleeing away is not there. Further, the petitioners have entered into India only through valid documents and that the co-accused in this case have been granted bail by this Court by order dated 26.05.2020 in CrI.O.P.Nos.7834 & 7835 of 2020.

8. In view of the above, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(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.

27.05.2020

SSI

To

1. The District Munsif Cum Judicial Magistrate,
Needamangalam.
2. The Inspector of Police,
Needamangalam Police Station,
Tiruvavur.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Sub Jail, Saidapet, Chennai.

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M.NIRMAL KUMAR, J.

SSI



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