

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2020

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

Crl.O.P.No.7943 of 2020
in Crime No.202 of 2020

Zyar Latt,

S/o.Somiya Amirranjan.

... Petitioner/Accused -12

Vs.

State represented by

The Inspector of Police,

Needamangalam Police Station,

Tiruvarur.

... Respondent

Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.202 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.M.Aasim Shehzad
For Respondent : Mr.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who was 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 petitioner who was the citizen of Myanmar, came to India on tourist visa. Then they came to Needamangalam conducted religious meeting against the Visa condition. During the meeting, he violated the rules of the Government of Tamil Nadu and the Central Government. He has not followed the social distancing during the religious meeting. The petitioner 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 petitioner submitted that the petitioner who was the citizen of Myanmar, had visited India on valid tourist visa issued by the Government of India. He had visited India during his holidays to experience Indian culture, traditions, hospitality and food. On his arrival at New Delhi Airport, the petitioner was subjected to Covid-19 virus test and found negative. Only thereafter, he was permitted to leave the Airport. Thereafter, he came to

Needamangalam and stayed in a Masjid. As a devout Muslim, he used to offer prayers five times a day and he has not propagated any religious activity. He was staying in the mosque and was enjoying the hospitality of the locality. While he was staying in the mosque, he had interactions with the local Muslim. Other than this, he has 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 Crl.O.P.Nos.7834 & 7835 of 2020.

4.The learned counsel appearing for the petitioner further submitted that the petitioner due to sudden travel restrictions, was unable to go back to his home and he has been compelled to stay here and he never violated any provisions of the Epidemic Act and the Foreigners Act. Unfortunately, the petitioner was 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, Thiruvavur following which, the bail granted to the petitioner was cancelled and the petitioner was again remanded to judicial custody on 22.04.2020 and kept in quarantine. The petitioner's passport has been seized. The petitioner, after his quarantine period,

was transferred to Puzhal Central Prison, Chennai. Subsequently, he was transferred to the Sub-Jail, Saidapet. Hence, he prays for grant of bail to the petitioner.

5.The learned counsel for the petitioner further submitted that the foreign nationals, who are facing similar accusation as that of the petitioner, 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 petitioner, who was the citizen of Myanmar, came to India on tourist visa and attended religious conference at New Delhi and thereafter, he has been sent to various parts of the country. The petitioner 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 petitioner was arrested and lodged at the Sub-Jail, Saidapet. Hence, he opposed for the grant of bail to the petitioner.

7.Considering the rival submissions made on either side and on perusal of the records, it is admitted that the petitioner is the citizen of Myanmar and was subjected to Covid-19 screening on their arrival at New Delhi Airport and found negative. Only thereafter, he was permitted to leave the Airport and he had reached Needamangalam and stayed in a mosque. Hence, the petitioner so far had no contact of Covid-19 virus and he is not the cause for the spread of Covid-19. Further, the petitioner's passport has already been seized by the respondent police. Hence, possibility of fleeing away is not there. Further, the petitioner has 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 Crl.O.P.Nos.7834 & 7835 of 2020.

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

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

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

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

28.05.2020

nsd

Index: Yes/No

Speaking order/Non-speaking order

To

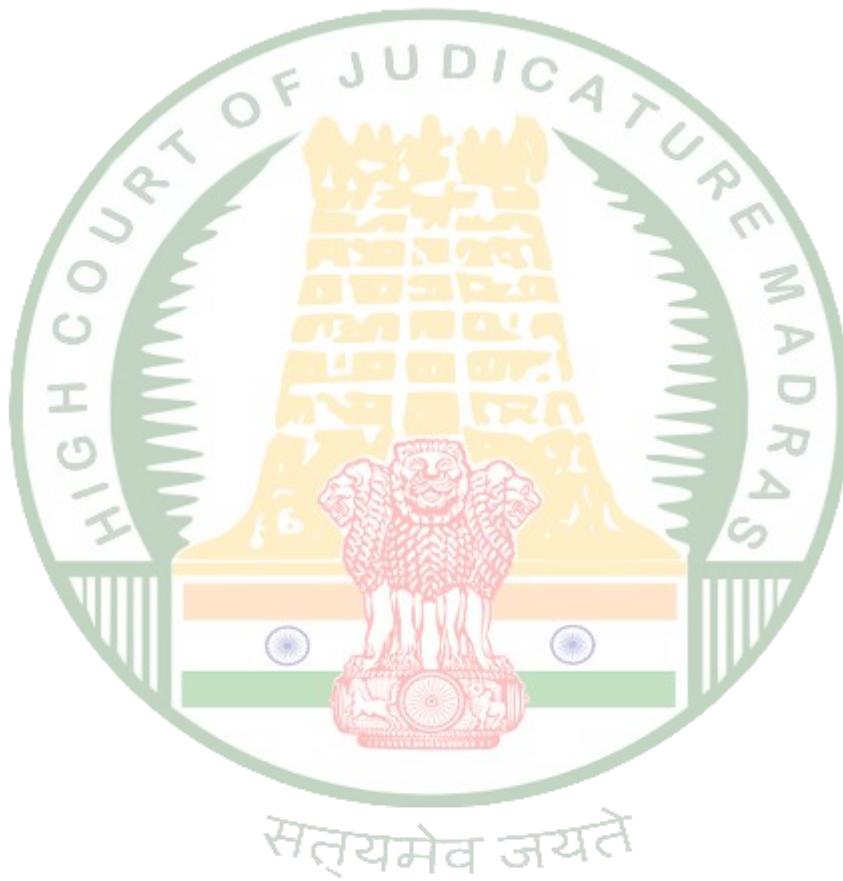
1. The Chief Judicial Magistrate,
Tiruvarur.

2. The Judicial Magistrate,
Needamangalam.

3. The Superintendent of Prison,
Sub-Jail, Saidapet,
Chennai.

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

5.The Public Prosecutor,
Madras High Court,
Chennai.



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CRL.O.P.No. 7959 of 2020

M.NIRMAL KUMAR.J.

nsd



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