

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17253 of 2020

Rajendhiran

... Petitioner

Versus

State Rep.by

The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

(Crime No.809 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 809 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Vinod

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offence under Sections 12(1)(a), 3, 6 of Passport Act and 120(B) of IPC, in Crime No.809 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Inspector of Police, Costal Security Guard, Nagapattinam has given a complaint based on which the case in Crime No. 809 of 2020 was registered. As per the complaint, the defacto complainant had received secret information that a Srilankan refugee is likely to leave Nagapattinam to Srilanka illegally. In connection with this complaint, a watch was laid and one Janarthanan/A-1 was apprehended. As per the statement of A-1, his father and mother came to India as Srilankan Refugees and 8 years before, they left India illegally with the aid of the petitioner. It is further stated that A-1 had contacted the petitioner/A-2 who has assured to facilitate A-1 to leave India by Boat to Srilanka illegally.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. It is only on the basis of the confession statement of A-1 that the petitioner/A-2 would facilitate A-1 to leave Nagapattinam through a secret arrangement to reach Srilanka by boat he was implicated. He would further submit that the petitioner never indulged in any such offence as alleged by the prosecution. Hence, he prays for the grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner 8 years back had illegally transported the parents of A1 to Srilanka and he had offered to transport Janarthanan/A-1 illegally to Srilanka. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the Learned Judicial Magistrate Court No.I, Nagapattinam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7.With these observations and directions, this Criminal Original Petition is ordered.

-sd/-
10/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT NO.I,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELANKANNI POLICE STATION,
NAGAPATTINAM DISTRICT.

+1CC to M/S. M.VINOTH Advocate on payment of necessary charges SR NO.8125

CRL OP.17253/2020

Date :10/12/2020

MK:18/12/2020