



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

Date : 06/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). Nos.19 and 20 of 2020

1.Sindhu
2.R.Ramkumar

...Petitioners/Accused Nos.1 and 2
in both Crl.O.Ps

Vs

The State rep.by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District,
Crime No.295 of 2019.

... Respondent/Complainant
in Crl.O.P. (MD)No.19 of 2020

The State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.498 of 2019.

... Respondent/Complainant
in Crl.O.P. (MD)No.20 of 2020

For Petitioners : M/s.N.Ramesh, Advocate.
in both Crl.O.Ps

For Respondents : Mr.A.Robinson,
Government Advocate (Crl.Side)
in both Crl.O.Ps

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

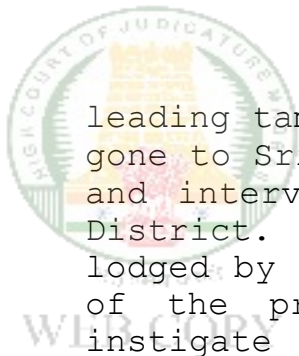
COMMON PRAYER :-

For Anticipatory bail in Crime Nos.295 and 498 of 2019 on the
file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate(Crl. Side) appearing for the
respondents.

2. The petitioners in both the criminal original petitions are
<https://hcservices.reports.gov.in/hcservices/> one and the same. The petitioners are journalists associated with a



leading tamil magazine namely., Junior Vikatan. The petitioners have gone to Srilankan refugee camp located at Kolivilai and Gnaramvilari and interviewed them. Both the camps are located in Kanyakumari District. The FIRs have been registered based on the complaint lodged by the local Village Administrative Officers. The allegation of the prosecution is that the petitioners have attempted to instigate the inmates of the refugee camp to protest against the recently enacted citizenship amendment act. Based on the same these FIRs have been registered for the offences under sections 188, 505 (1)(b) and 447 of I.P.C., in Crime Nos.295 and 498 of 2019, respectively. Hence, they seek anticipatory bail.

3. The petitioners' counsel states that the very registration of the FIR is an assault on the freedom of press. The learned Government Advocate (Crl. Side) states that the petitioners have gone to interview the inmates of the refugee camp without getting prior permission.

4. I concur with the submission of the petitioners' counsel. The petitioners are associated with a leading tamil magazine and interviewing the Srilankan refugees cannot constitute any offence under law. Therefore, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

5. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
06/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3.THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT,

4.THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+2. CC to M/S.N.RAMESH Advocate SR.No.183

ORDER

IN

CRL OP(MD) Nos.19 and 20 of 2020

Date :06/01/2020

ias

TK/VR/SAR.2/20.01.2020/3P/8C