



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

Wednesday, the Twenty Second day of April Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice P.VELMURUGAN

CRL OP(MD) No.5265 of 2020

MOOMIN ALI

... PETITIONER/ACCUSED No.9

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR.No.188 OF 2020

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.J.Sulthan Basha, Advocate
for M/s.Ajmal Associates
For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor,

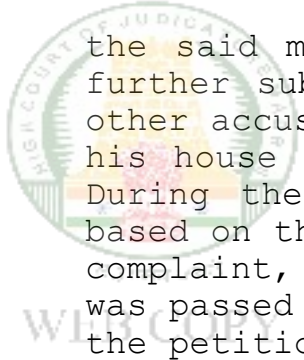
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as the ninth accused/A9, who was arrested and remanded to judicial custody on 09.04.2020 for the alleged offences punishable under Sections 269, 278, 188, 270 and 271 IPC and Section 3 of Epidemic Disease Act and Sections 58(4), 134 and 135 of Tamil Nadu Public Health Act and 51(b) National Disaster Management Act, in Crime No.188 of 2020, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on receipt of secret information, the respondent police found that A1 to A8, who are belonging to the nationality of Indonesia, stayed in Nurul Huta Maktab Matarsa Pallivasal for religious propagation with the guidance of the petitioner/A9.

3.The learned counsel appearing for the petitioner submitted that A1 to A8 are the Indonesian citizens and they came to India on 26.02.2020 on Tourist VISA and also participated in the religious conference which was held at New Delhi. After participating the said religious conference, they came to various place and also came to Ramanathapuram on 24.03.2020 and this petitioner is only the Indian citizen and he is a resident of R.S.Mangalam, which is far away from

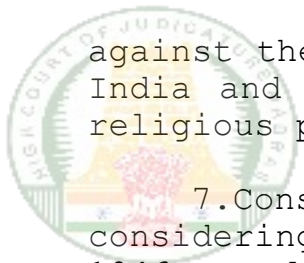


the said mosque and the petitioner was arrested on 09.04.2020. He further submitted that the petitioner is no way connected with the other accused and the respondent police arrested the petitioner from his house and thereafter, registered a case with bald allegations. During the enquiry, one Mohammed Kasim(A11) gave a statement and based on the said statement, the respondent police has preferred the complaint, but, even few months back, the said Mohammed Kasim(A11) was passed away, which shows that it is a false case foisted against the petitioner. He would further submit that except Sections 13 and 14 of Foreigners Act, 1946, other sections of offences are bailable offences and since the petitioner is Indian citizen, Sections 13 and 14 of Foreigners Act, 1946, would not attract the petitioner. Therefore, the respondent police has foisted a false case against the petitioner and hence, seeks bail.

4.The learned Additional Public Prosecutor appearing for the State submitted that A1 to A8 are the Indonesian citizens and after participating the religious conference at New Delhi, they came to Ramanathapuram District on 24.03.2020 for religious propagation. Even after announcing the lock-down this petitioner along with A1 to A8 had indulged on religious propagation at Nurul Huta Maktab Matarsa Pallivasal. During the lock-down, they have not informed their residence to the Government Authorities and further A1 to A8 have violated the VISA condition and since the petitioner has abetted the accused Nos.1 to 8, the Sections 13 and 14 of Foreigners Act, would also attract the petitioner. Though the Government announced those who have participated in the Delhi conference on 26.02.2020 has to inform to the local authorities, they have not informed their residence to the Government Authorities and they have committed the offence under Sections 13 and 14 of Foreigners Act. Therefore, the learned Additional Public Prosecutor strongly opposed for granting bail to the petitioner.

5.I have heard both sides and perused the records.

6.Admittedly, A1 to A8 are the Indonesian citizens and the petitioner is only the Indian citizen. A1 to A8 came to India on Tourist VISA and also participated in the religious conference which was held at New Delhi on 26.02.2020 and subsequently, they came to Tamil Nadu and stayed at Ramanathapuram on 24.03.2020. Even though the Government has announced lockdown and issued prohibitory order under Section 144 Cr.P.C., and also the Government has announced that those who have participated in the Delhi conference on 26.02.2020 have to inform to the local authorities and remained quarantine, they have not informed to the authorities and stayed at Ramanathapuram. Based on the complaint given by the Village Administrative Officer, a case has been registered against the accused and the petitioner was arrested and remanded to judicial custody on 09.04.2020. Since the Government has taken much effort to quarantine the persons, who have participated in the Delhi conference, they have not quarantined them as per the directions of the Government and stayed in the said mosque. A1 to A8 are the Indonesian citizens and without the help of the Indian citizens, they could not have stayed in India. Therefore, the allegation



against the petitioner is that he has abetted A1 to A8 to remain in India and they stayed in Nurul Huta Maktab Matarsa Pallivasal for religious propagation.

7. Considering the facts and circumstances of the case and also considering the facts that Sections 13 and 14 of Foreigners Act, 1946, would attract A1 to A8 and the petitioner has abetted the accused Nos. A1 to A8. The investigation is at initial stage and the prohibitory order issued under Section 144 of Cr.P.C., is still in force in the State and hence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this petition is dismissed.

sd/-
22/04/2020

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

Note: This order copy may be
treated as true copy

To

1. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Superintendent,
Pulal Central Prison, Chennai.

ORDER
IN
CRL OP(MD) No.5265 of 2020
Date :22/04/2020

NS
TE/SKN/SAR/II : 24/04/2020 : 3P/4C