



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

Tuesday, the Fifth day of May Two Thousand Twenty
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) No.5284 of 2020

MOOMIN ALI

... PETITIONER / ACCUSED NO.9

Vs

THE STATE REP. BY THE
INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO.188 OF 2020.

... RESPONDENT / COMPLAINANT

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

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

PRAYER :-

For Bail in Crime No. 188 of 2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ 9th accused seeking bail for the alleged offence punishable under Sections 269, 278, 188, 270 and 271 of IPC and Section 3 of Epidemic Disease Act and Sections 58(4), 134 and 135 of Tamil Nadu Public Health Act and 51(b) of National Disaster Management Act in Crime No.188 of 2020.

2.The petitioner herein was arrested on 09.04.2020 for assisting eight Indonesian Nationals who have been allegedly violated their visa conditions and also the prohibitory orders imposed by the Government in view of Covid-19 epidemic.

3. The prosecution case is that 8 Indonesian Nationals who attended the religious conference at Delhi, on completion of the conference came down to Ramanathapuram and visited places in Tamil Nadu. They involved in religious propagation, contrary to their tourist visa condition. Further after lock down announced by the Union of India on 24.03.2020 they failed to disclose their stay to the authorities. This petitioner and A10 have harboured them and assisted those foreign nationals to hide themselves from the screening of authorities.

4. The learned Senior Counsel appearing for the petitioner would submit that most of the offence alleged against the petitioner are bailable. The First Information Report itself alleged to have been registered based on the information given by one Kasim who infact passed away six months ago. The learned counsel further submits that there is no iota of truth in the complaint made against the petitioner and he has not involved in any offence what



so ever. Being an Indian citizen, the Foreigners Act 1956 is not applicable to him and he cannot be prosecuted under the Foreigners Act.

5. Per Contra, the learned Additional Public Prosecutor would submit that the petitioner has been arrayed as one of the accused for guiding and assisting the Foreign National who violated Indian Law namely Foreign Act, Epidemic Disease Act, Tamil Nadu Public Health Act and National Disaster Management Act. A10 who is the administrator of the mosque in which these Foreign Nationals were accommodated is still at large and the police is not able to secure him. Asfar as this petitioner is concerned, he is arrested for aid and assisting foreigners to violate the Indian laws. Application to take custody of the petitioner for interrogation is pending before the Magistrate Court.

6. The learned Additional Public Prosecutor submit that in view of the epidemic situation the Magistrate has not passed any order in the custodial interrogation application. It is submitted by the learned Additional Public Prosecutor that when the petitioner is taken to custody and interrogated the reason for the foreigners to stay in the mosque without disclosing their presence to the authorities will come to light.

7. The investigation agency has thought fit to take custody of the petitioner for interrogation and they have filed petition for the same. Before disposal of the same, if bail is granted the right of interrogation will get defeated.

8. Hence, the petition stands dismissed.

sd/-
05/05/2020

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

TO

1 THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

2. THE SUPERINTENDENT,
PULAL CENTRAL PRISON, CHENNAI

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER IN
CRL OP(MD) No.5284 of 2020
Date :05/05/2020