



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

Friday, the Twelfth day of June Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP(MD) No.5573 of 2020

1 GANEESCIOUS
2 THIONICIOUS
3 LAKSHMANAN
4 SARVESWARAN

... PETITIONERS / ACCUSED 1 to 4
Vs

STATE THROUGH
THE INSPECTOR OF POLICE
DHANUSKODI P.S
IN CR.NO.21/2020.

... RESPONDENT / COMPLAINANT

For Petitioner : M/s. Chamundi Bose, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.21/2020 on the Respondent Police.

ORDER : The Court made the following order :-

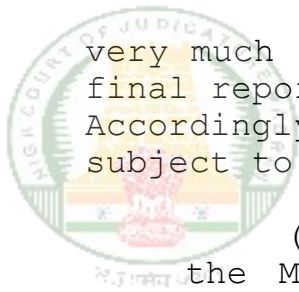
Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioners are arrayed as accused Nos.1 to 4. They were arrested and remanded to Judicial Custody on 17.02.2020 for the offence punishable under section 111(b) of Customs Act, 1962 and U/s.14(c) of Foreigners Act, 1946, 3(a) r/w 6(a) of Passport Act (Entry into India) Rules, 1950 in Crime No.21 of 2020 on the file of the respondent police. They seek bail.

3. The petitioners were implicated on the strength of Srilankans, who were arrested in the midsea by the Marine Police. Gold jewels were seized from them. Based on the same, the case in Crime No.21 of 2020 was registered by the respondent police. Even though more than 125 days elapsed, till date, final report has not been filed.

4. The learned Government Advocate(Crl. Side) on instructions submitted that the petitioners originally filed a petition under Section 167(2) of Cr.P.C. But, the same was dismissed. Therefore, according to the learned Government Advocate(Crl. Side), the petitioners are entitled to file only a revision.

5. I am of the view that we need not approach this case in such a technical manner. Further, the petitioners have earlier moved a petition for bail in Crl.O.P(MD)No.5287 of 2020 before this Court and the same was dismissed. Therefore, the second bail petition is



very much in order. Since, even after expiry of statutory period, final report has not been filed, I am inclined to grant them relief. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioners are directed to 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 learned Judicial Magistrate, Rameswaram, after the concerned Court is reopened on regular basis.

(ii) the petitioners are directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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].

sd/-

12/06/2020

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/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE, RAMESWARAM

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM

2 THE INSPECTOR OF POLICE, DHANUSKODI POLICE STATION,

4 THE SUPERINTENDENT, SUB-JAIL, RAMANATHAPURAM

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

ORDER IN

CRL OP (MD) No.5573 of 2020

Date : 12/06/2020