



WEB COPY

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

Date : 08/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7031 of 2020

Deva @ Devarajan,

... Petitioner/Accused-2

Vs

State through
The Inspector of Police,
Rameswaram Town-Police Station,
Rameswaram, Ramanathapuram District.
(Crime No. 68 of 2020).

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 68 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 13.06.2020 for the alleged offences under Sections 14 of Foreigners Act 1946, Section 3 r/w.12(1)(a) of Passport Act, 1967 and 120(B) of IPC.

2. The case of the prosecution is that the petitioner herein along with others have helped the Srilankan nationals to leave the country without valid travel document.

3. The learned counsel for the petitioner would submit that the petitioner herein is innocent and he has been falsely implicated in the above case.



4. The learned Additional Public Prosecutor would submit that the petitioner herein is A2 and A3 to A5 in this case were granted bail by this Court in Crl.O.P(MD) No.5997 of 2020 on 11.06.2020.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that co-accused in this case were granted bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rameshwaram, Ramanathapuram District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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]**.

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/07/2020

/ TRUE COPY /

/ /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



TO

1. THE JUDICIAL MAGISTRATE,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
RAMESWARAM TOWN-POLICE STATION,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
4. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7031 of 2020
Date :08/07/2020

AAV

AE/PN/SAR-II (08.07.2020) 3P 6C