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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7261 of 2020

Karthi

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Town Police Station,
Rameshwaram,
Ramanathapuram District.
(Crime No. 68 of 2020)

... Respondent/Complainant

For Petitioner : M/s.R.Kannan,
Advocate.

For Respondent : M/s.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

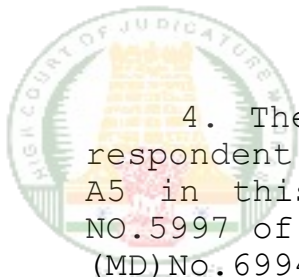
For Bail in Crime No. 68 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 13.06.2020 for the alleged offence punishable under Section 14 of Foreigners Act, 1946, Section 12(1)(a) and 3 of Passport Act 1967 and Section 120(B) of IPC, in Crime No.68 of 2020 on the file of the respondent police. Hence, he seeks bail.

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

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the other accused, namely, A3 and A5 in this case were granted bail by this Court in Crl.OP(MD) NO.5997 of 2020 and A6 has also granted bail by this Court in Crl.OP (MD)No.6994 of 2020.

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5. Considering the facts and circumstances of the case and also considering the fact that the co-accused were released on bail and also taking into consideration the period of incarceration, 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 District Munsif-cum-Judicial Magistrate, Rameshwaram.

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 every Monday at 10.30.am, 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/-

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESHWARAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE, TOWN POLICE STATION,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7261 of 2020
Date :13/07/2020

MS/VR/SAR-2/14.07.2020/3P.6C