



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9398 of 2020

Sagaya Bastin Dayas @ Kandeepan

... Petitioner/Petitioner/
1st Accused

Vs

The State Rep. by
The Inspector of Police,
Q Branch, Ramanathapuram.
Cr.No. 01 of 2018.

... Respondent/Respondent/
Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

PRAYER :- Petition is filed Under Sec.439(1)(b) of Cr.P.C., to modify the conditions imposed by the learned Judicial Magistrate No.II, Ramanathapuram in Cr.MP.No.504 of 2019 dated 23.01.2019.

ORDER

The petition has been filed to modify the condition imposed by the learned Judicial Magistrate No.II, Ramanathapuram in Crl.MP.No.504 of 2019 dated 23.01.2019.

2. It is seen from the records that the crime has been registered against the petitioner for the offences under Sections 14 of Foreigners Act, 3(a), 6(a), Passport Rules, 1950, 353 and 506(ii) of IPC, in Crime No.1 of 2018 by the respondent police and he was arrested on 27.06.2018. Thereafter, the petitioner has moved a bail application before the learned Judicial Magistrate No.II, Ramanathapuram, under Section 167(ii) of Cr.P.C., by its order, dated 23.01.2019 the learned Magistrate has granted bail to the petitioner on condition that, he shall execute a own bond for a sum of Rs.20,000/-(Rupees Twenty Thousand Only)with two sureties like sum and also directed to appear before the respondent police daily at 10.00 a.m., until further orders. Aggrieved over the same, the present petition is filed by the petitioner to modify the aforesaid condition.



3. The learned counsel appearing for the petitioner would submit that he is a Srilankan refugee and nobody is available in India for him to offer sureties, eventhough bail was granted on 21.03.2019 for more than One year and Nine months, that the petitioner could not come out on bail and still in custody. He would further submit that the condition imposed by the Court below may be modified, the petitioner is ready and willing to stay at a Special Camp for Srilankan refugees and also appear before the respondent police, daily and he undertakes that he will not abscond and face the trial.

4. The learned Government Advocate (criminal side) appearing for the respondent police would submit that, the petitioner is a Srilankan refugee, if the petitioner is released on bail without furnishing surety there is a possibility of absconding from the country and the respondent police cannot secure the petitioner. He would further submit that the respondent police has filed final report before the learned Judicial Magistrate No.II, Ramanathapuram and the same was taken cognizance and ready for trial.

5. Considering the rival submissions, eventhough the petitioner was granted bail as early as on 23.01.2019 he was not able to furnish sureties for more than One year and Nine months and still in custody. Considering the above circumstances, this Court is inclined to modify the order passed by the learned Judicial Magistrate No.II, Ramanathapuram.

6. The order dated 23.01.2019, passed in Cr.MP.No.504 of 2019 by the learned Judicial Magistrate No.II, Ramanathapuram is modified and the petitioner is directed to execute a own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and thereafter, the petitioner should be confined in the Special Refugees Camp at Tiruchirappalli, and also appear before the trial Court on all further hearing, without fail. Since the matter is pending for trial the learned Judicial Magistrate No.II, Ramanathapuram is directed to dispose of the case, within a period of **Six Months** from the date of receipt of a copy of the order.

7. With the above modification, this petition is ordered accordingly.

sd/-
21/09/2020

/ 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 concerned.

TO

1. THE JUDICIAL MAGISTRATE No.II, RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUPERINTENDENT,
PUZHAL CENTRAL JAIL, PUZHAL.
4. THE INSPECTOR OF POLICE,
Q BRANCH,
RAMANATHAPURAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER IN-CHARGE,
SPECIAL REFUGEES CAMP,
TIRUCHIRAPPALLI.

ORDER
IN
CRL OP (MD) No.9398 of 2020
Date :21/09/2020

KSA
TE/JC/SAR-IV : 28/09/2020 : 3P/7C