



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

Date : 07/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10935 of 2020

Gabriel Cloud Lourdson Fernando @ David

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.1624 of 2020

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

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

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

PRAYER :- For Bail in Cr.No.1624 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A2 herein was arrested and remanded to judicial custody on 13.08.2020 for the alleged offence under Sections 14 of Foreigners Act 1946 r/w. Section 12(1)(a) and 12(c) and 3 of Passport Act 1967 and 120(B) of IPC.

2. The case of the prosecution is that on 12.08.2019 at about 03.00p.m., when the respondent police were on routine vehicle check up in Chitampatti toll gate they found the vehicle bearing Reg. No. TN 18 AX 6951 Bolero Maxi Truck Plus parked near the toll gate and when the respondent police enquired about the same they came to know that the petitioners have come from Srilanka to India and they were residing at Gummidpoondi Srilankan Refugees Camp and the petitioner even after the lapse of visa period stayed without renewing the Visa and they have planned to proceed to Srilanka without proper permission. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is working as a painter and after getting permission from



the Gummidipoondi Srilankan Refugee Camp went to Madurai for painting camp and when they were proceeding to the Madurai the respondent police foisted a false case against them. He would also submit that the petitioner is in jail for nearly 50 days, hence he may be granted bail.

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4. The learned Government Advocate(Crl.Side) would submit that the petitioners came from Srilanka to India and they were residing at Kumudipoondi Srilankan Refugee Camp and even after the lapse of visa period they stayed without renewing the visa and tried to escape from the refugee camp without proper permission.

5. Taking note of the above facts and circumstances of the case 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur,

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) after producing sureties the respondent police is directed to hand over the petitioner before the Special Camp (Srilankan Refugee Camp) at Trichy,

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/-
07/10/2020

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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.

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TO

- 1.THE JUDICIAL MAGISTRATE, MELUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE SPECIAL CAMP (SRILANKAN REFUGEE CAMP)
TRICHY.

ORDER
IN
CRL OP (MD) No.10935 of 2020
Date : 07/10/2020

KSA
TK/VR/SAR.2/07.10.2020/3P/7C