



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

Date : 05/11/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.12488 of 2020

Alban @ Anbu

... Petitioner/1st Accused

Vs

State Rep. by
The Inspector of Police,
Melur Police Station,
Madurai District.
in (Crime No.1624/2020).

... Respondent/Complainant

For Petitioner : M/s.B.Senthilkumar, Advocate.

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

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

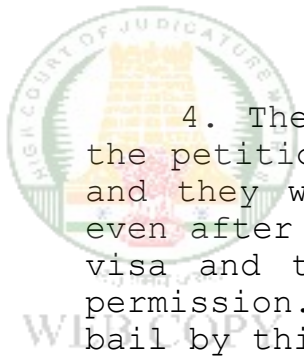
PRAYER :- For Bail in Crime No.1624 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/ A1 herein was arrested and remanded to judicial custody on 12.08.2020 for the alleged offence under Sections 14 of Foreigners Act 1946 r/w. Section 12(1)(a) and 12(1)(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 petitioner along with other accused have come from Srilanka to India and they were residing at Gummidipoondi 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 and when he was proceeding to the Madurai the respondent police foisted a false case against them. He would also submit that the petitioner is in jail for more than 70 days, hence he may be



4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused 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. He would submit that co-accused in this case was granted bail by this Court in Crl.O.P(MD) No.10584 of 2020 dated 06.10.2020.

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 Gummidipoondi

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/-
05/11/2020

/ 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,
<https://hcservices.courtsofmadras.gov.in/hcservices.html> 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,
MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.SENTHILKUMAR, Advocate (SR-7332[I] dated 05/11/2020)

COPY TO:

THE OFFICER INCHARGE,
SPECIAL CAMP (SRILANKAN REFUGEE CAMP)
AT GUMMIDIPOONDI.
THIRUVALLUR DISTRICT.

ORDER
IN
CRL OP(MD) No.12488 of 2020
Date :05/11/2020

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JM/VR/SAR IV/05.11.2020/3P/8C