



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.9346 of 2021

IN CRL OP.7602/2020

SHABBEER BASHA

[PETITIONER]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM CITY IN
CRIME NO.229/2020.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the third condition imposed by this Honble Court in Crl.O.P.No.7602 of 2020 dated 15.05.2020 and to direct the Superintendent of Prison, Sub-Jail, Saidapet, Chennai to release the passport of the petitioner and relax the same by permitting the petitioner to attend business meeting in abroad and thus render justice.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.P.MURUGESAN, Advocate for the petitioner and of Mr.A.Gopinath Government Advocate (Crl. Side)on behalf of the Respondent the court made the following order:-

Vide order dated 15.05.2020, this Court had enlarged the petitioner on interim bail on certain conditions. This petition has been filed by the petitioner seeking relaxation of the conditions.

2.The case of the prosecution is that the petitioner/A17 along with other accused persons helped some Indonesian nationals who visited Indian on their tourist Visa and stayed at Salem and they played important role in spreading Covid -19 virus. Hence the Law enforcing agency registered a complaint against the petitioners. Taking into consideration the nature of allegations against the petitioners, this Court granted interim bail to the petitioners for a period of eight weeks subject to some conditions. One of the imposed condition is that the petitioners should surrender their passport to the Superintendent of the concerned prison. Now, the petitioner is in need of his passport to attend the business meeting in abroad.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is an Indian citizen and he is in urgent need of the passport in order to attend the business meeting to be held in abroad. Hence he prayed for return back of the passport and in lieu of the same this court may impose any further condition.

4.The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case and hence he strongly opposed the relaxation.

5. Considering the facts and circumstances of the case, since the investigation is pending and further the main allegation against the petitioner being that he was instrumentally involved in spreading the COVID-19 Virus by helping the Indonesian nationals to stay beyond the Visa's period in India. Further fact that the pandemic still persists, allowing the petitioner to go abroad by returning the passport could not be conducive at the present point of time. Therefore this court is not inclined to relax the condition imposed. Accordingly, the petition is dismissed.

-sd/-

15/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE
SALEM

2 THE JUDICIAL MAGISTRATE,
NO.II, SALEM

3 THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM CITY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET,
CHENNAI

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

C.C. to M/S.P.MURUGESAN Advocate on payment of necessary charges

Order

in
CRL MP.9346/2021

in
CRL OP.7602/2020

Date :15/09/2021

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RVR 17/09/2021