



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

Date : 11/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9699 of 2021

Satham Hussain

... Petitioner/Accused No.28

Vs

The State rep.by,
The Inspector of Police,
Q Branch, CID Madurai Police Station,
Madurai.
Crime No.01/2021.

... Respondent/Complainant

For Petitioner : Mr.V.A.DHANA ARAVINDHA BALAJI,
Advocate.

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

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

PRAYER :-

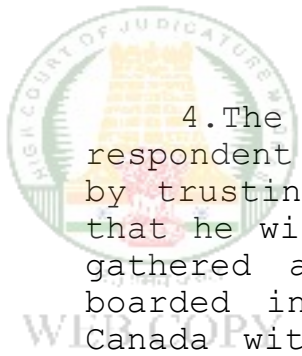
For Bail in Crime No.01/2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A28, who was arrested on 18.06.2021 for the alleged offences under Sections 120(B), 370, 420 I.P.C, Section 12 (1)(a) of Passport Act, 1967 and Section 14 A(b), 14(C) of Foreigners Act in Crime No.01 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that this petitioner and other accused have received money from 23 Srilankan nationals to brought them to Canada via India illegally without any valid document.

3.The learned counsel for the petitioner would submit that due to the condition in Srilanka, the accused persons are intending to go to Canada. Since some of them are not in a position to spend money for Visa, they have indulged in such an activity of entering into India illegally with an intention to go to Canada. He would further submit that the petitioner is in jail for the past 45 days, hence bail may be granted.



4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that on 27.04.2021, 23 Srilankan nationals, by trusting the words of one Srilankan national Kannan @ Mayuran that he will take them to Canada where they can earn lot of money, gathered at Silambam Kadal Udaippu, Seashore in Srilanka. They boarded in three fiber boats and started their journey towards Canada without any valid travel documents. In the meantime, the relatives of those 23 Srilankan nationals have transferred about 6 to 10 lakhs to Mayuran's bank account. On 28.04.2021, those persons were shifted to a small boat and dropped down at Thoothukudi seashore. Thereafter, accused no.31 had transported the 23 Srilankan nationals from Thoothukudi to Madurai Mattuthavani Bus Stand, after that the accused nos. 1 and 2 have picked and dropped them in a Company belonging to the accused no.2. After two days, they were shifted to Vinayaka Body Building premises, SIDCO Campus at Kappalur in Madurai where they were kept for 40 days without valid travel document in violation of Rule 3(b), 6(a) of the Passport (Entry into India) Rule, 1950. Rule 3 clearly states that no person proceeding from any place outside India shall enter or attempt to enter into India by water, land or except through such port (including airport) from other places as may be specified in this on behalf of the Central Government. On receiving the secret information, the respondent police had surveilled on them and a preliminary enquiry was made thereon, which disclosed that 23 Srilankan nationals, without passport, valid visa and other travel documents, unlawfully entered into India, staying in India for nearly 40 days with an intention to go to Canada illegally. He would further submit that based on the voluntary confession statement of accused no.26, this petitioner was arrested.

5.It appears that the petitioner is in jail for the past 45 days and the substantial portion of investigation might have been completed.

6.Considering the facts and circumstances of the case, the fact that based on the confession statement of the co-accused, this petitioner has been roped as an accused, the period of incarceration of the petitioner and the fact that substantial portion of investigation has completed, this Court is inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed and 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police

at 05.30 a.m. and 05.30 p.m. until further orders.



[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/08/2021

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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 JUDICIAL MAGISTRATE NO.IV, MADURAI

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4.THE INSPECTOR OF POLICE
Q BRANCH, CID MADURAI POLICE STATION, MADURAI.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.A.DHANA ARAVINDHA BALAJI, Advocate SR.No.5310

ORDER IN

CRL OP(MD) No.9699 of 2021

Date :11/08/2021

SA/PN/SAR.1/11.08.2021/3P/7C