



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

Date : 04/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.14897 of 2021

Baskaran

... Petitioner/ Accused No.33

Vs

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

... Respondent/Complainant

For Petitioner : Mr.G.Bhagavathsingh,
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.01 of 2021 on the file of the
Respondent Police

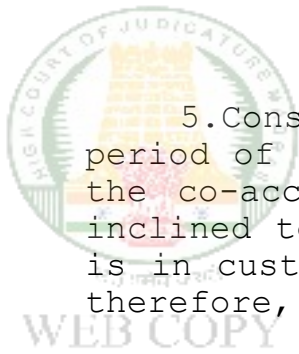
ORDER : The Court made the following order :-

The petitioner/A33, who was arrested on 30.06.2021 for the
alleged offences under Sections 120(B), 370, 420 I.P.C, Section 12
(1)(a) of Passport Act, 1967 and Section 14A(b), 14(c) of Foreigners
Act in Crime No.01 of 2021 on the file of the respondent police,
seek bail.

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

3.The learned counsel for the petitioner would submit that the
petitioner is an innocent person, he has not committed any offence
as alleged by the prosecution and he is in judicial custody for the
past 125 days. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the
respondent would submit that the investigation is yet to be
completed and the final report has not been filed. He would further
submit that the co-accused persons were arrested and thereafter they
were released on bail by this Court in Crl.OP(MD).Nos.13122, 13124,
13031 and 13082 of 2021.



5.Considering the facts and circumstances of the case, the period of incarceration of the petitioner and also of the fact that the co-accused were arrested and released on bail, this Court is inclined to grant bail to the petitioner. Moreover, this petitioner is in custody for 125 days but final report is yet to be filed and therefore, he is entitled for statutory bail.

6.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.25,000/- (Rupees twenty five 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 his 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 daily at 10.30 a.m. and 05.30 p.m until further orders.

[c] The petitioner shall not misuse the liberty and shall not involve in any further offences.

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

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

[f] 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]**.

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

sd/-

04/10/2021

/ TRUE COPY /

/ /2021

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 INSPECTOR OF POLICE
Q BRANCH CID POLICE, MADURAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL OP(MD) No.14897 of 2021
Date :04/10/2021

KMM
MK/SKN/SAR.IV/04.10.2021/3P/6C