



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 20297 of 2021

Kasturi

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Dhanushkodi Police Station,
Dhanushkodi.

2.The Superintendant of Central Prison,
Central Prison for Women,
Puzhal.

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents to release the petitioner from Central Prison Puzhal and permit the petitioner to stay at Srilankan Special Camp, Trichy.

For Petitioner : Mr.R.Vivekananthan
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Criminal Side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

2.The facts are not in dispute. The petitioner is a Srilankan national. When she was 16 years of age, she came to India under a valid travel document. The petitioner had Tourist Visa. She ought to have returned to Srilanka after the expiry of the permitted period. She did not do so. She overstayed. The case of the prosecution is that realising the consequence of such overstay, the petitioner attempted to leave India illegally. Hence, Crime No.21 of 2021 was registered on the file of the Mandapam, MPS Police Station for the offences under Section 12(1)(a) of Passport Act, 1967, Section 14C of Foreigners Act, 1964 and Section 12(2) of Passport Act, 1967. The petitioner filed the Cr.M.P.No.2731 of 2021 before the Principal District and Sessions Judge, Ramanathapuram vide order dated 01.11.2021, bail was granted subject to conditions. One such condition is that the petitioner shall stay at Trichy and sign before the officer incharge daily at 10.00 a.m untill further orders. The petitioner also executed the necessary sureties. Even though the release order has been issued, the second respondent is



still not releasing the petitioner herein. Hence, this Criminal Original Petition came to be filed.

3. In this case, the learned Sessions Judge has granted bail in favour of the petitioner. The petitioner has executed sureties as early as on 02.11.2021 and the jurisdictional Magistrate has also issued the release order. When such orders have been passed and the same have not been honoured as on date, to give effect to the same, this Court invokes its inherent powers. The second respondent is directed to release the petitioner forthwith and without any delay. The second respondent shall release the petitioner without waiting for certified copy of this order. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga

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 Inspector of Police,
Dhanushkodi Police Station,
Dhanushkodi.
2. The Superintendent of Central Prison,
Central Prison for women Puzhal.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.VIVEKANANDHAN, Advocate (SR-39380[F] dated 17/12/2021)

Cr1.O.P. (MD)No.20297 of 2021
17.12.2021

RS (17.12.2021) 2P-5C