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CrI.OP.No.16495 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16495 of 2022

Alamin Mia Alam

..Petitioner

Vs.

State, Rep. by
Inspector of Police,
Veerapandi Police Station,
Tiruppur City, Tamil Nadu.
(Crime No.394 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.394 of 2022 on the
file of the respondent police.

For Petitioner : Mr.S.M.Raghuram

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 13.05.2022 for the offence under Sections 3(2)(c) of the



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Foreigners Act, 1946 (as amended) and Section 14 A (b) of the Foreigners (Amendment) Act, 2004 (as amended) in crime No.394 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.05.2022, around 13.00 hrs, *de-facto* complainant/Sub-Inspector of Police, Veerapandi Police Station, Tirrupur City, Tamil Nadu along with two Head Constables went for Patrol rounds in and around the Veerapandi circle. At about 14.00 hrs, near Soundeeswari Nagar, Veerapandi, on seeing police party, the accused/petitioner herein tried to ran away from that place. One of the police personnels caught him and enquired him. Since the *de-facto* complainant was not able to understand the language of the petitioner, with the help of One Bipin Kumar and One Sharf Kumar, they translated the language of the petitioner and then identified the petitioner's name and the address and found that the petitioner/accused is an Bangladeshi and he is not an Indian Citizen. Thereafter, it was found that the petitioner/accused is holding a passport which was issued by Bangladesh and does not have proper document to stay in India. Hence,



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the complaint.

3. The case of the prosecution is that petitioner's VISA got expired and thereafter he illegally stayed in India. Now the charge sheet has been laid and the same is numbered as P.R.C.No.34 of 2022 before the learned Additional District Judge, Tiruppur pending committal.

4. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 13.05.2022, this Court is inclined to grant bail to the petitioner. 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 sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.IV, Tiruppur, Tamil Nadu** 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



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daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not tamper with 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.

15.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.IV,
Tiruppur, Tamil Nadu.
- 2.The Inspector of Police,
Veerapandi Police Station,
Tiruppur City, Tamil Nadu.
- 3.Puzhal Prison,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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