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CrI.OP.No.19626 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.19626 of 2023

John Paul Nnaemeka

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
North police Station,
Tiruppur City.
Crime No.383 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.383 of 2023 on the
file of the respondent police seeks bail.

For Petitioner : Mr.K.Suresh Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.03.2023 for the offences punishable under Section 14 of Foreigners Act, 1946 in Crime No.383 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, the allegation as against the petitioner is that, he came to India under valid passport and VISA, however, he overstayed in India. Hence, present case is registered under Section 14 of Foreigners Act, 1946. Petitioner is in Judicial Custody from 14.03.2023. Thus, he seeks bail to the petitioner.

3. In response, the learned Additional Public Prosecutor submitted that, petitioner came to India under valid Passport and VISA. But, his VISA got expired on 21.09.2022. After that, petitioner had no valid VISA for staying further. Trial in this case is in progress in C.C.No.479 of 2023 on the file of the Judicial Magistrate No.I, Tiruppur.



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4. Considering the nature of allegation made against the petitioner that, petitioner had overstayed in India without any valid extension of Visa and that, petitioner is in Judicial Custody from 14.03.2023 and the investigation is completed and final report has been filed before the concerned Magistrate and the same is taken on file in C.C.No.479 of 2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 respectable and acceptable sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tiruppur** 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 appear before the learned Judicial Magistrate No.I, Tiruppur on all working days without fail;

[c] the petitioner shall not abscond either during



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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.

04.09.2023

Sma

To



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1. Judicial Magistrate No.I, Tiruppur

2.The Inspector of Police,
North police Station,
Tiruppur City.

3.Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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