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CRL O.P. No.20092 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.20092 of 2024

Roobini Subramaniyan @ Roobini

W/o. Jayaraman

... Petitioner/Accused

Vs

State rep. by:-

The Station House Officer,

Veppur Police Station,

Cuddalore District.

[Cr. No.285 of 2024]

... Respondent

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of

The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to

the petitioner/Accused in Crime No.285 of 2024 on the file of the

respondent police.

For Petitioner : Mr. Ganesha Moorthy.B.

For Respondent : Mr. S. Vinoth Kumar

Government Advocate

[Criminal side]

ORDER



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The petitioner/sole Accused, who was arrested and remanded to judicial custody on 03.08.2024 for the offences punishable under sections 12(1)(b), 12(1A)(a), 12(1A)(b) of the Passport Act, 1967 read with Section 212(a) of the B.N.S. in Crime No.285 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information, when the defacto complainant, who is a Village Administrative Officer, Perianasalur, Veppur, made an enquiry and found that on 07.11.2016, one Jayaraman belongs to Periyanasalur Mathura Vilambavur Village has illegally married a non-resident of India, the petitioner herein, native of Srilanka, who came to India as tourist without getting approval to live in India and he is living with his family in the said Vilambavur Village and he has given false details and obtained Aadhar card, ration card and Indian passport. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent woman aged about 35 years and she is in judicial custody from 03.08.2024. The petitioner is having two small



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children aged 4 and 6 years. The petitioner has not involved in any other offence and she has been falsely implicated in this case. she is ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is a Srilankan and without any permission to live in India, she had illegally married one Jayaraman and living with her family at Perianasalur, Veppur and by giving false details, she has obtained Aadhar, ration cards and Indian passport. Hence, he opposed to grant bail to the petitioner. He would further submit that the petitioner has no previous, bad antecedent.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offences, considering the fact that the petitioner was having some identity cards issued by the revenue officials and also



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taking into consideration the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, each of the petitioners is ordered to be released on bail on condition to execute 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 **Judicial Magistrate Court No.I, Virudhachalam** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.30 A.M. until further orders.

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not commit any offences of similar nature.

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

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

[g] On breach of any of the aforesaid conditions, the learned



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Judicial 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

19.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J
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To

- 1.The Judicial Magistrate Court No.I, Virudhachalam.
2. The Station House Officer,
Veppur Police Station,
Cuddalore District.
- 3.The Superintendent of Police,

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Special Prison for Women, Puzhal, Chennai.

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4.The Public Prosecutor, High Court, Madras.

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