



CRL OP(MD) No.7239 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.06.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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R.Senthuran

... Petitioner/ Accused 5

Vs

The State through the Inspector of Police,
Q-Branch CID,
Sivagangai,
Sivagangai District.
[Crime No.1 of 2024]

... Respondent/ Complainant

For Petitioners : Mr.V.Kannan

For Respondent : Mr.M.Sakthi Kumar,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.1/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police in connection with Crime No.1 of 2024, for the offence under Section 465, 468, 471, 420, 212, 109 and 120(b) of IPC and Section 14(A), 14(B) and 14(C) of the Foreigners Act,



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1946 has filed this petition seeking anticipatory bail.

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2.The case of the prosecution is the petitioner has arranged Indian Passport for A1 and A2, who are Sri Lankan nationals and helped them to enter into India.

3.The learned counsel appearing for the petitioner submits that petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The allegations are only as against A3 and A4 that they arranged forged documents in order to A1 and A2 get Indian visa.

4.Initially the petitioner's name was not found in the FIR and now the respondent police claims that the petitioner only directed A3 and A4 to create documents and thus he helped the accused.

5.Considering the rival submissions and the materials placed on record, this Court granted interim anticipatory bail to the petitioner with a direction to him to appear before the respondent for enquiry and directed the respondent police to file a report. Accordingly the respondent police filed a report as under:

“The petitioner herein accused/ No.5 in the case registered in Sivagangai Q branch CID.Cr.No.01/2024 under Section 465, 468, 471, 420, 212, 109, 120(B) IPC and 14-A, 14-B, 14-C Foreigners Act, 1946 had several brushes with the law, he was involved in the Trafficking of Sri Lankan Tamils from Kerala State-Ernakulam to Austria by means of



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illegal ferry for his own person gain, this attempt was subsequently foiled. In this regard, a case was registered against the petitioner herein/ accused No.5 in Ernakulam PS Crime.No.1846 of 2011 under Section 14(a)(c) Foreginers Act and 420 r/w IPC. Hence the petitioner herein / accused No.5 was lodged in Chengalpattu Special Camp Vide G.O.No.SR.III/1388-I/2011, dated 18.07.2011 of Public (SC) Department - Tamil Nadu, later the petitioner herein / accused No.5 was transferred to Poonamallee Special Camp on the basis of the Administration grounds."

6.The learned Additional Public Prosecutor submits that A2 in this case is an accused in Sri Lanka relating to a mass shooting incident in Belliate in Sri Lanka for which a Red Corner Notice was issued against him with RCN Number A.4897/5-2024. The petitioner / accused has helped A1 and A2 to get fake Indian documents to enter into India and to escape to Canada. In this process, the petitioner is said to have utilised A3 and A4. The petitioner / A5 has gone to the seashore and taken A1 and A2 in his car bearing Registration No.TN 01 BD 3056. The investigation agency has collected data with regard to his mobile number linked with the vehicle's Fast Tag used by this petitioner during the commission of offence. The investigating agency has also found that this petitioner has made all his communication through Zangi



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App and he has changed 109 Indian SIM cards and 5 Sri Lankan SIM cards. During the course of investigation though the investigating officer insisted him to produce his mobile number, the petitioner claimed that he has lost the mobile in Kasi. The investigating agency has also collected the details of certain money transaction from this petitioner to the tune of Rs.5/-Lakh to one Deepan Raj and he had entered into an agreement to purchase the plot around Rs.65/- Lakh in Chennai. The respondent further claims that apart from this case, this petitioner has also indulged in similar cases of Trafficking of Sri Lankan Tamils to Kerala, Ernakulam by illegal ferry in Ernakulam Police Station in Crime No.1846 of 2011 registered for the offence under Section 14(a)(c) of Foreigners Act and Section 420 r/w 34 IPC. Therefore, this petitioner was lodged in Chengalpattu Special Camp vide GO.No.SR.III/1388-1/2011, dated 18.07.2011 of Public (SC) Department and by order dated 16.10.2012 has has been directed to reside in the Thaalayiyur Rehabilitation Settlement, Sivagangai. He further submits that the petitioner has failed to appear before the Tahsildar and he has settled at Chennai.

7.This Court considered the rival submissions and perused the materials placed on record.

8.The petitioner is accused No.5. The allegation as against this petitioner is that he facilitated A1 and A2 to enter into India with forged documents and also



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attempted to help A1 and A2 to reach Canada with the help of A3 and A4. The main contention of the petitioner is that he is not having any bad antecedent and except the confession statement, there is no other material. Considering this submission, this Court granted interim bail to the petitioner. The report filed by the investigating officer reveals that apart from this case, the petitioner has also involved in another case in Crime No.1846 of 2011 in Ernakulam Police Station. The investigating officer has also collected some materials with regard to his availability at Rameshwaram during the commission of offence through his mobile number, which is linked with the car Fast Tag in the month of February 2024, for which he has not offered any explanation. Moreover, it appears that the petitioner has not co-operated for the investigation by handing over his mobile phone..

9.Considering the materials collected by the investigating agency including the money transactions apart from the confession statement and the crucial stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
24/06/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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DSK

TO

1 THE INSPECTOR OF POLICE,
Q-BRANCH CID,
SIVAGANGAI,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.V.KANNAN, Advocate (SR-6859[I] dated 24/06/2024)

ORDER

IN

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Date :24/06/2024

SA/JGB/SAR. /03.07.2024/6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.