



Crl.O.P.No.21370 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21370 of 2025

1.Basar Molla

2. Ratna Begum

3. Md Ali Hayder Molla

4. Jhuma Khanom

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Nallur Police Station,

Krishnagiri District.

(Crime No.74 of 2025)

... Respondent

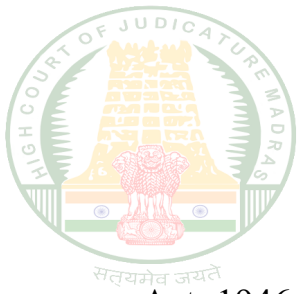
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail pending
investigation in Cr.No.74 of 2025 on the file of the respondent police.

For Petitioners : Mr.S.Selva Kumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on
02.07.2025, for the offence punishable under Section 3(2)(c) r/w.14 of Foreigners



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Act, 1946 and Section 336(3), 337, 340(2) of BNS Act, in Crime No.74 of 2025, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that the petitioners are Bangladesh nationals who are residing in India without obtaining proper permission from the Government and they have illegally trespassed into India without any passport and visa. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent person, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case.

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



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6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a separate 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.II, Hosur** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioners shall report before the respondent police as and when required for interrogation;**

[c] the petitioners shall make themselves available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall



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comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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)13 SCC 283]**;

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

30.07.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

1. Judicial Magistrate No.II, Hosur
2. The Inspector of Police,
Nallur Police Station,
Krishnagiri District.
3. The Central Prison, Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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