



Crl.O.P(MD)No.9047 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 17.06.2025

Pronounced on : 09.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD)No.9047 of 2025

Lucifer (Everylove)
S/o.Ryan Claton

... Petitioner/Sole Accused

Vs.

State represented by
The Sub Inspector of Police,
Dhanushkodi Police Station,
Ramanathapuram District.
(Crime No.21 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner/sole accused on bail pending investigation in Crime No.21 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.S.Sheik Ismail
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The petitioner seeks bail for the alleged offences U/s.14C of the Foreigners Act



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and U/s.12(1)(a) and 3 of the Passport Act, 1967 in connection with the case in
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Crime No.21 of 2025 of respondent police.

2. The brief case of the prosecution is that the petitioner, who is a foreigner, was found to be suspicious and on enquiry he has illegally entered into India without any permission or Visa and has been freely wandering Delhi, Uttar Pradesh and Dhanushkodi.

3. The learned counsel for the petitioner has mainly submitted that the petitioner is an American citizen and having great faith in the Hindu religion, he came to India, visited Kumbha Mela and then travelled to Rameshwaram to worship Lord Ramanathasamy. The petitioner has no valid Visa to enter India, but the petitioner visited the sacred places only with bonafide intention. The provisions of Sections 12 and 3 of the Passport Act, will not attract the petitioner's case and he has not acted in contravention of those provisions. He has no bad antecedents and he is in custody from 30.03.2025. Therefore, the petitioner may be granted bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent filed a counter and strongly objected the petition. The petitioner entered into India without Visa and wandered in the locality without any valid documents.



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The petitioner has also attempted to exit from India. The modus of the petitioner cannot be dealt with in a light way since the petitioner travelled more than 5000 kms in India. The investigation agency called for report from the other States. The investigation is pending at preliminary stage. If he is enlarged on bail, he will flee away and then it is difficult to secure him.

5. Heard and perused the available records. It is seen from the records that the petitioner admits that he entered into India without Visa. The prosecution objected that the petitioner is said to have wandered all over India without valid documents and the investigating agency is calling for report from other States and the investigation is pending at preliminary stage. The prosecution further submitted that even if bail is granted, the petitioner could not go anywhere and he has to be kept in camp till the disposal of the case. Though bail rights is also available to foreign nationals, there will be high risk when the petitioner has no permanent ties in India. Incarceration for a long period alone will not entitle to seek bail. Other aspects also have to be looked into. Considering the strong objection and awaiting report from other States and also overtacts alleged against the petitioner, this Court is not inclined to grant bail to the petitioner.



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6. In the result, this Criminal Original Petition is dismissed.

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

vsd
To

- 1.The Officer Incharge,
Puzhal Prison.
- 2.The Sub Inspector of Police,
Dhanushkodi Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-7326[I] dated 09/07/2025)

ORDER
IN
CRL OP(MD) No.9047 of 2025
Date :09/07/2025

SB/18.07.2025 4P/5C

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