

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 7913 OF 2022

AGAINST THE ORDER/JUDGMENTCMP 2900/2022 OF JUDICIAL

MAGISTRATE OF FIRST CLASS -II, KOLLAM

CRIME NO.868/2022 OF KOLLAM EAST POLICE STATION, KOLLAM

PETITIONER/ACCUSED:

- 1 PRAKASH RAJ,AGED 25 YEARS
NO. U1 C 21, REFUGEE CAMP VALAVANTHANKOTTAI,
TIRUCHIRAPALLI DISTRICT, TAMIL NADU. PIN 620015,
FROM THIRVANNAMALI, CENTRAL ROAD,
DEMOCRATIC SOCIAL REPUBLIC OF SRI LANKA.,
PIN - 620015
- 2 KAMAL RAJ S/O RICHARD,AGED 37 YEARS
NO. U1 C 21, REFUGEE CAMP VALAVANTHANKOTTAI,
TIRUCHIRAPALLI DISTRICT, TAMIL NADU. PIN 620015,
FROM THIRVANNAMALI, CENTRAL ROAD,
DEMOCRATIC SOCIAL REPUBLIC OF SRI LANKA.,
PIN - 620015
- 3 VINOD RAJ S/O RICHARD,AGED 34 YEARS
NO. U1 C 21, REFUGEE CAMP VALAVANTHANKOTTAI,
TIRUCHIRAPALLI DISTRICT, TAMIL NADU. PIN 620015,
FROM THIRVANNAMALI, CENTRAL ROAD,
DEMOCRATIC SOCIAL REPUBLIC OF SRI LANKA.,
PIN - 620015

BY ADV C.R.JAYAKUMAR

RESPONDENTS:

- 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
PIN - 682031

ADDL.R2 UNION OF INDIA REPRESENTED BY THE SECRETARY
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK,
CENTRAL SECRETARIAT; NEW DELHI.
IS IMPEADED AS PER ORDER DATED 18-10-2022 IN
CRL.M.A. NO.2/2022.

ADDL.R3 KERALA LEGAL SERVICE AUTHORITY (KELSA)
REPRESENTED BY THE MEMBER SECRETARY,
NIYAMA SAHAYA BHAVAN, KOCHI-31.
IS SUOMOTO IMPEADED AS PER ORDER DATED 26-10-2022
IN BA NO.7913/2022.

ADDL.R4 FOREIGNERS REGIONAL REGISTRATION OFFICER
FOREIGNERS REGIONAL REGISTRATION OFFICE,
THIRUVANANTHAPURAM, T.C. 14/1377, VAZHUTHACAUD,
OPPOSITE GANAPATI TEMPLE, THYCAUD P.O.,
THIRUVANANTHAPURAM-14.
IS SUOMOTO IMPEADED AS PER ORDER DATED 26-10-2022
IN BA NO.7913/2022.

ADDL.R5 STATE OF TAMIL NADU REPRESENTED BY
THE DIRECTOR OF REHABILITATION AND WELFARE OF
NON-RESIDENT TAMILS,
COMMISSIONERATE OF REHABILITATION AND WELFARE OF
NON-RESIDENT TAMILS,
4TH FLOOR, EZHILAGAM ANNEX BUILDING,
CHEPAUK, CHENNAI, TAMIL NADU.
IS IMPEADED AS PER ORDER DATED 28-10-2022 IN
CRL.M.A. NO.3/2022.

BY PUBLIC PROSECUTOR SRI.M.C.ASHI
BY SRI.MANU S. DSG OF INDIA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..8059/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 7981 OF 2022

AGAINST THE ORDER/JUDGMENTCMP 615/2022 OF JUDICIAL MAGISTRATE
OF FIRST CLASS - III, KOLLAM

CRIME NO.529/2022 OF PALLITHOTTAM POLICESTATION, KOLLAM

PETITIONERS/ACCUSED 3 & 4:

1 DILAKSHAN,AGED 29 YEARS
S/O RANASINGAM ,10/3,
AVVYOR STREET, TRINCOMALE,
SRI LANKA, PIN - 310000

2 KONCELA,AGED 27 YEARS
W/O DILAKASHAN, 10/3,
AVVYOR STREET,TRINCOMALE,
SRI LANKA, PIN - 310000

BY ADVS.
V.I.RAHUL
SHERIN EDISON

RESPONDENTS/STATE AND COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

2 SUB INSPECTOR OF POLICE/SHO
PALLITHOTTAM POLICE STATION, KOLLAM DISTRICT,
PIN - 691006

ADDL.R3 DEPUTY SOLICITOR GENERAL OF INDIA,
HIGH COURT OF KERALA, ERNAKULAM-682031 IS IMPEADED
AS ADDL R3 AS PER ORDER DATED 25/10/2022 IN
CRL.M.A.NO.1/2022 IN BA.NO.7981/2022.

ADDL.R4 DIRECTOR,
DIRECTORATE OF WOMEN AND CHILD DEVELOPMENT,
THIRUVANANTHAPURAM-695012. IS IMPEADED AS ADDL.R4
AS PER ORDER DATED 25/10/2022 IN CRL.M.A.NO.3/2022
IN BA.NO.7981/2022.

ADDL.R5 DIRECTOR,
DIRECTORATE OF HEALTH SERVICE, GENERAL HOSPITAL
JUNCTION, THIRUVANANTHAPURAM-695035 IS IMPEADED AS
ADDL.R5 AS PER ORDER DATED 25/10/2022 IN
CRL.M.A.NO.3/2022 IN BA.NO.7981/2022.

ADDL.R6 KERALA LEGAL SERVICE AUTHORITY
MEMBER SECRETARY, SAHAYA BHAVAN, KOCHI-31 IS SUO
MOTU IMPEADED AS ADDL R5 AS PER ORDER DATE
26/12/2022 IN BA.NO.7981/2022.

ADDL.R7 FOREIGNERS REGIONAL REGISTRATION OFFICER,
FOREIGNERS REGIONAL REGISTRATION OFFICE,
THIRUVANANTHAPURAM, T.C.14/1377, VAZHUTHACAUD,
OPPOSITE GANAPATI TEMPLE, THYCAUD P.O,
THIRUVANANTHAPURAM014, IS SUO MOTU IMPEADED AS
ADDL.R7 AS PER ORDER DATED 26/10/2022 IN
BA.NO.7981/2022.

BY PP SRI.M.C.ASHI
BY SRI.MANU S. DSG OF INDIA
BY ADV.SMT.A.PARVATHI MENON

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..8059/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 8006 OF 2022

AGAINST THE ORDER/JUDGMENTCMP 622/2022 OF JUDICIAL MAGISTRATE
OF FIRST CLASS - III, KOLLAM

CRIME NO.529/2022 OF PALLITHOTTAM POLICESTATION, KOLLAM

PETITIONERS/ACCUSED 8 & 9:

- 1 JAYASEELAN, AGED 50 YEARS
S/O SITAMBARAM,
158 12 ANANTHAPURI
TRINCOMALE, SRI LANKA
PIN - 310000
- 2 SATYAPRIYA, AGED 44 YEARS
W/O JAYASHEELAN ,15812 ANANTHAPURI,
TRINCOMALE, SRI LANKA, PIN - 310000

BY ADVS.
V.I.RAHUL
JISHY P.S.
SHERIN EDISON

RESPONDENTS/STATE AND COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
 - 2 SUB INSPECTOR OF POLICE/SHO
PALLITHOTTAM POLICE STATION, KOLLAM DISTRICT,
PIN - 691006
- ADDL.R3 CHILD WELFARE COMMITTEE, KOLLAM CHILD WELFARE
COMMITTEE, KOLLAM .SUO MOTU IS IMPEADED AS
ADDITIONAL R3 ,AS PER THE ORDER DATED 19-10-2022 IN
BA.NO 8006/2022
- ADDL.R4 UNION OF INDIA,
REPRESENTED BY THE DEPUTY SOLICITOR GENERAL OF
INDIA, HIGH COURT OF KERALA, ERNAKULAM-682031 IS
IMPEADED AS PER ORDER DATED 25/10/2022
- ADDL.R5 KERALA LEGAL SERVICE AUTHORITY (KELSA),
REPRESENTED BY THE MEMBER SECRETARY, NIYAMA SAHAYA

BHAVAN, KOCH-31, ARE SUO MOTU IMPEADED AS ADDL.R5
AS PER ORDER DATED 26/10/2022 IN B.A.NO.8006/2022.

ADDL.R6 FOREIGNERS REGIONAL REGISTRATION OFFICER,
FOREIGNERS REGIONAL REGISTRATION OFFICE,
THIRUVANANTHAPURAM, T.C. 14/1377, VAZHUTHACAUD,
OPPOSITE GANAPATI TEMPLE, THYCAUD P.O,
THIRUVANANTHAPURAM. ARE SUO MOTU IMPEADED AS
ADDL.R6 AS PER ORDER DATED 26/10/2022 IN
BA.NO.8006/2022.

ADDL.R7 GENERAL EDUCATION DEPARTMENT, GOVERNMENT OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
ROOM NO.138, FIRST FLOOR, NORTH BLOCK, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM. IS IMPEADED AS
ADDL. R7 AS PER ORDER DATED 16/11/2022 IN CRL.M.A
3/2022

ADDL.R8 SOCIAL JUSTICE DEPARTMENT
SOCIAL JUSTICE DEPARTMENT ,GOVERNMENT OF KERALA
REPRESENTED BY ITS DIRECTOR, DIRECTORATE OF SOCIAL
JUSTICE, 5 FLOOR, VIKAS BHAVAN, PMG
THIRUVANANTHAPURAM- 695033 IS IMPEADED AS ADDL.R8
AS PER ORDER DATED 16/11/2022 IN CRL.M.A 3/2022

BY SR. PP SMT.SEETHA S.
BY SRI.MANU S. DSG OF INDIA
BY ADV.SMT.A.PARVATHI MENON

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..8059/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 8059 OF 2022

AGAINST THE ORDER/JUDGMENTCMP 2859/2022 OF JUDICIAL MAGISTRATE
OF FIRST CLASS -II, KOLLAM

CRIME NO.868/2022 OF EAST POLICESTATION, KOLLAM

PETITIONERS/A3 TO A11:

- 1 DINESH KUMAR AGED 36 YEARS S/O ANTONY SIVANKOVIL
STREET THIRUVANAMALAI DISTRICT SRILANKA, NOW
RESIDING AT REFUGEE CAMP, KUZHAL KAVALKARAI,
TAMIL NADU-, PIN - 632513
- 2 MATHIVARNAN,AGED 35 YEARS
S/O SAHADEVAN, THIRUVANAMALAI, SRI LANKA NOW
RESIDING AT H/36 VALAVANTHAN KOTTAI,
THIRUCHIRAPALLI, TAMIL NADU-620015., PIN - 620015
- 3 NAVAGEETHAN AGED 24 YEARS,S/O RAVICHANDRAN
KAMPURUKANDI, THIRUVANAMALAI ,SRILANKA, NOW RESIDING
AT REFUGEE CAMP,KAVALKARAI,CHENNAI,TAMIL NADU.,
PIN - 632513
- 4 PRAKASHRAJ ,AGED 22 YEARS,S/O THYAGARAJAN,
REFUGEE CAMP,DOOR NO 37 ,GANGAIKONDA, TIRUNELVELI,
TAMIL NADU., PIN - 627352
- 5 QUEENS RAJ AGED 22 YEARS S/O MARIYANAYAKOM, SRI
LANKAN REFUGEE CAMP ,VALAVANTHAN KOTTAI,
THIRUCHIRAPALLY DISTRICT,
TAMIL NADU-620015, PIN - 620015
- 6 AJAY AGED 24 YEARS,S/O MOHAN,SRILANKAN
VAALATHANKOTTAI REFUGEE CAMP,TIRUCHIRAPALLI
DISTRICT, TAMIL NADU-620015, PIN - 620015
- 7 JATHURSON AGED 21 YEARS,S/O GNANAVEL, SRILANKAN
REFUGEE CAMP HOUSE NO 1-H29 ,NEAR INDIAN OIL
CORPORATION, VALAVANTHAN KOTTAI
,TIRUCHIRAPALLI,TAMIL NADU-620015, PIN - 620015
- 8 PRASAD AGED 24 YEARS S/O MAHENDRAN ,UNIT 3F-
04,SRILANKAN REFUGEE CAMP, VALAVANTHAN KOTTAI
,TIRUCHIRAPALLI, TAMIL NADU-620015, PIN - 620015
- 9 SARAVANAN AGED 24 YEARS,S/O
RAJAN,PANKULAM,THIRUVONAMALI SRILANKA NOW RESIDING

AT HOUSE NUMBER U3/13, SRILANKAN REFUGEE CAMP, ,
VALAVANTHAN KOTTAI ,TIRUCHIRAPALLI, TAMIL NADU-
620015, PIN - 620015

BY ADVS.
V.I.RAHUL
JISHY P.S.
SHERIN EDISON
JISHA J.S.
AMALA RAJ
DEVIKA G.RAJESH
DEVIKA S.

RESPONDENTS/STATE AND COMPLAINANT:

- 1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. ,
PIN - 682031
- 2 SUB INSPECTOR OF POLICE/SHO,KOLLAM EAST POLICE
STATION., PIN - 691001
- ADDL.R3 UNION OF INDIA, REP.BY DEPUTY SOLICITOR GENERAL OF
INDIA ,HIGH COURT OF KERALA, ERNAKULAM IS IMPEADED
AS ADDL.R3 AS PER ORDER DATED 25/10/2022 IN
B.A.NO.8059/2022.
- ADDL.R4 KERALA LEGAL SERVICE AUTHORITY (KELSA) ,
REPRESENTED BY THE MEMBER SECRETARY, NIYAMA SAHAYA
BHAVAN, KOCHI-31. IS SUO MOTU IMPEADED AS ADDL.R4
AS PER ORDER DATED 26/10/2022 IN BA.NO.8059/2022.
- ADDL.R5 FOREIGNERS REGIONAL REGISTRATION OFFICER,
FOREIGNERS REGIONAL REGISTRATION OFFICE,
THRIRUVANANTHAPURAM, T.C.14/1377, VAZHUTHACAUD,
OPPOSITE GANAPATI TEMPLE, THYCAUD P.O,
THIRUVANANTHAPURAM-14 IS SUO MOTU IMPEADED AS
ADDL.R5 AS PER ORDER DATED 26/10/2022 IN
B.A.NO.8059/2022
- ADDL.R6 STATE OF TAMILNADU, REPRESENTED BY THE DIRECTOR OF
REHABILITATION AND WELFARE OF NON-RESIDENT TAMILS
COMMISSIONERATE OF REHABILITATION AND WELFARE OF
NON-RESIDENT TAMILS, 4TH FLOOR, EZHILAGAM ANNEX
BUILDING, CHEPAUK, CHENNAI, TAMIL NADU IS IMPEADED
AS ADDL.R6 AS PER ORDER DATED 22/12/2022 IN
CRL.M.A.NO.2/2022.

BY ADV MANU S. DSG OF INDIA

B.A.Nos.7913, 7981, 8006,
8059, 8203, 8239, 8606, 8754 & 8763 of 2022

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OTHER PRESENT:

PP - M.C.ASHI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..7913/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 8203 OF 2022

AGAINST THE ORDER/JUDGMENTCMP 2859/2022 OF JUDICIAL MAGISTRATE
OF FIRST CLASS -II, KOLLAM

CRIME NO.868/2022 OF KOLLAM EAST POLICESTATION, KOLLAM

PETITIONER/1ST ACCUSED:

PAVITHIRAN ,AGED 27 YEARS
S/O MEGHAVARNAN, TSUNAMI HOUSE
NAMBAYAR NAGAR, NAGAPATTANAM DISTRICT
TAMIL NADU , PIN - 611001

BY ADVS.
SHERIN EDISON
GEORGE VARGHESE (PERUMPALLIKUTTIYIL)
MANU SRINATH
NIMESH THOMAS
V.I.RAHUL

RESPONDENTS/STATE AND COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 SUB INSPECTOR OF POLICE/SHO
EAST POLICE STATION, KOLLAM , PIN - 691001
- ADDL.R3 THE UNION OF INDIA,
REPRESENTED BY THE DEPUTY SOLICITOR GENERAL OF
INDIA, HIGH COURT OF KERALA, ERNAKULAM-682031 IS
IMPLEADED AS ADDL.R3 AS PER ORDER DATED 25/10/2022
IN BA.NO.8203/2022.
- ADDL.R4 KERALA LEGAL SERVICE AUTHORITY (KELSA)
REPRESENTED BY THE MEMBER SECRETARY, NIYAMA SAHAYA
BHAVAN, KOCHI-31 IS SUO MOTU IMPLEADED AS PER
ADDL.R4 AS PER ORDER DATED 26/10/2022 IN
B.A.NO.8203/2022.
- ADDL.R5 FOREIGNERS REGIONAL REGISTRATION OFFICER,
FOREIGNERS REGIONAL REGISTRATION OFFICE,

THIRUVANANTHAPURAM, T.C.14/1377, VAZHUTHACAUD,
OPPOSITE GANAPATI TEMPLE, THYCAUD P.O,
THIRUVANANTHAPURAM-14 IS SUO MOTU IMPEADED AS
ADDL.R5 AS PER ORDER DATED 26/10/2022 IN
BA.NO.8203/2022.

BY ADV MANU S. DSG OF INDIA

BY PP SRI.M.C.ASHI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..8059/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 8239 OF 2022

AGAINST THE ORDER/JUDGMENTCMP 626/2022 OF JUDICIAL MAGISTRATE
OF FIRST CLASS - III, KOLLAM

CRIME NO.529/2022 OF PALLITHOTTAM POLICESTATION, KOLLAM

PETITIONERS/ACCUSED NO.1, 13 & 14:

- 1 PRASANNAN,AGED 27 YEARS
S/O VANARAJAN KARANKARI, SRILANKA, TAMILS,
REHABILITATION CAMP,PUZHAL,CHENNAI-66
GREATER CHENNAI TAMOLNADU
PIN - 600066
- 2 PRASANTH,AGED 29 YEARS
S/O SATHYASEELAN,248 SRILANKA,
REFUGEE CAMP, KPATHUPETTI, BAILGUNDU, DIDNDIGAL,
TAMILNADU, PIN - 624001
- 3 CHANDRASANAN,AGED 42 YEARS
S/O SIVAM,REFUGEE CAMP OF MADURA, UCHAPATTU,
TAMILNADU, PIN - 625008

BY ADV SREERAJ M.D.

RESPONDENTS/COMPLAINANTS:

- 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM , PIN - 68203
 - 2 STATION HOUSE OFFICER, PALLITHOTTAM POLICE STATION
PALLITHOTTAM POLICE STATION, KOLLAM, PIN - 691006
 - 3 UNION OF INDIA REPRESENTED BY HOME SECRETARY
HIGH CJ674+VGV, NORTH BLOCK, CENTRAL SECRETARIAT,
NEW DELHI, DELHI PIN:110001, PIN - 110001
- ADDL.R4 STATE OF TAMIL NADU
REPRESENTED BY THE DIRECTOR OF REHABILITATION AND
WELFARE OF NON-RESIDENT TAMILS , COMMISSIONERATE OF
REHABILITATION AND WELFARE OF NONRESIDENT TAMILS,
4TH FLOOR, EZHILAGAM ANNEX BUILDING, CHEPAUK,
CHENNAI-600 005.
IS IMPEADED AS PER ORDER DATED 08-11-2022 IN

B.A.Nos.7913, 7981, 8006,
8059, 8203, 8239, 8606, 8754 & 8763 of 2022

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CRL.M.A. NO.1/2022.

BY ADV MANU S. DSG OF INDIA

BY PP SMT.NIMA JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..8059/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 8606 OF 2022

AGAINST THE ORDER/JUDGMENTCMP 627/2022 OF JUDICIAL MAGISTRATE
OF FIRST CLASS - III, KOLLAM

CRIME NO.529/2022 OF PALLITHOTTAM POLICESTATION, KOLLAM

PETITIONERS/ACCUSED 6, 7, 8:

- 1 JESINTHAN,AGED 33 YEARS
S/O CHANDRAVE RATHINASINGAM,
66/1 HUSKINSON STREET,
TRINCOMALE, SRI LANKA.
, PIN - 310000
- 2 SAARANYA,AGED 23 YEARS
W/O JASINTHAN ,
66/1 HUSKINSON STREET,
TRINCOMALE, SRI LANKA.
, PIN - 310000
- 3 KEETHEEPAN,AGED 23 YEARS
S/O SINAPPU SUGANTHATHASH,
66/1 HUSKINSON STREET,
TRINCOMALE, SRI LANKA.
, PIN - 310000

BY ADVS.

V.I.RAHUL,SHERIN EDISON
JISHY P.S.,SHIFA LATHEEF
JISHA J.S.,DEVIKA G.RAJESH
DEVIKA S.,ANAND B.
SHEMIN A.S.,ANAS B.
SREEJESH R.

RESPONDENTS/STATE AND COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 2. SUB INSPECTOR OF POLICE /SHO
PALLITHOTTAM POLICE STATION, KOLLAM DISTRICT
,KERALA., PIN - 691006

- 3 UNION OF INDIA
REPRESENTED BY THE DEPUTY SOLICITOR GENERAL OF INDIA
FOR KERALA HIGH COURT ,HIGH COURT OF KERALA.,
PIN - 682031
- 4 FOREIGN REGIONAL REGISTRATION OFFICER
FOREIGNERS REGIONAL REGISTRATION OFFICE, TC 14/1377,
OPPOSITE GANAPATI TEMPLE, THYCAUD P
O,THIRUVANANTHAPURAM., PIN - 695014
- 5 MEMBER SECRETARY
KERALA STATE LEGAL SERVICES AUTHORITY,NIYAMA SAHAYA
BHAVAN, KOCHI-682031., PIN - 682031
- 6 DIRECTORATE OF WOMEN AND CHILD DEVELOPMENT,
REPRESENTED BY ITS DIRECTOR
DIRECTORATE OF WOMEN AND CHILD DEVELOPMENT,POOJAPURA
THIRUVANANTHAPURAM., PIN - 695012
- 7 DIRECTORATE OF HEALTH SERVICES REPRESENTED BY ITS
DIRECTOR, DIRECTORATE OF HEALTH SERVICES ,
GENERAL HOSPITAL JUNCTION, THIRUVANANTHAPURAM.,
PIN - 695035

BY ADV MANU S. DSG OF INDIA
BY SR.PP SMT.SEETHA S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..8059/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 8754 OF 2022

CRIME NO.529/2022 OF PALLITHOTTAM POLICESTATION, KOLLAM

PETITIONER/ACCUSED:

PRAVEENAN, AGED 26 YEARS
S/O RAGU, HUSKINSON STREET, TRINCOMALEE, SRILANKA,
PIN - 310000

BY ADVS.
V.I.RAHUL, SHERIN EDISON
ANAND B., SREERAJ M.D.
SHIFA LATHEEF, SREEJESH R.
ANAS B., JISHA J.S.
DEVIKA G. RAJESH
DEVIKA S.

RESPONDENTS/STATE AND COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031
- 2 SUB INSPECTOR OF POLICE/SHO, PALLITHOTTAM POLICE
STATION, KOLLAM, PIN - 691006
- 3 UNION OF INDIA REPRESENTED BY THE DEPUTY SOLICITOR
GENERAL OF INDIA FOR KERALA HIGH COURT,
HIGH COURT OF KERALA., PIN - 682031
- 4 FOREIGN REGIONAL REGISTRATION OFFICER, FOREIGNERS
REGIONAL REGISTRATION OFFICE, TC 14/1377, OPPOSITE
GANAPATI TEMPLE, THYCAUD PO,
THIRUVANANTHAPURAM, PIN - 695014
- 5 KERALA STATE LEGAL SERVICES AUTHORITY REPRESENTED
BY THE MEMBER SECRETARY, NIYAMA SAHAYA BHAVAN, KOCHI,
PIN - 682031

BY ADV MANU S. DSG OF INDIA
BY PP SRI.M.C.ASHI

B.A.Nos.7913, 7981, 8006,
8059, 8203, 8239, 8606, 8754 & 8763 of 2022

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THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..8059/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

BAIL APPL. NO. 8763 OF 2022

CRIME NO.8763/2022 OF KOLLAM EAST POLICESTATION

PETITIONER/2ND ACCUSED:

SUTHARSAN,AGED 26 YEARS
S/O ANTHONY KESAVAN,
24/HARIDASVATHAI,TRINVOMALEE,
SRILANKA-, PIN - 310000

BY ADVS.
V.I.RAHUL,SREERAJ M.D.
ANAND B.,SHERIN EDISON
SHIFA LATHEEF,SREEJESH R.
ANAS B.,JISHA J.S.
DEVIKA G.RAJESH
DEVIKA S.

RESPONDENT/STATE/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 SUB INSPECTOR OF POLICE/SHO
PALLITHOTTAM POLICE STATION, KOLLAM DISTRICT,
PIN - 691006
- 3 UNION OF INDIA
REPRESENTED BY THE DEPUTY SOLICITOR GENERAL OF INDIA
FOR KERALA HIGH COURT ,HIGH COURT OF KERALA-.,
PIN - 682031
- 4 FOREIGN REGIONAL REGISTRATION OFFICER
FOREIGNERS REGIONAL REGISTRATION OFFICE, TC 14/1377,
OPPOSITE GANAPATI TEMPLE, THYCAUD P
O,THIRUVANANTHAPURAM., PIN - 695014
- 5 MEMBER SECRETARY,KERALA STATE LEGAL SERVICES
AUTHORITY.
KERALA STATE LEGAL SERVICES AUTHORITY ,
NIYAMA SAHAYA BHAVAN, KOCHI, PIN - 682031
BY ADV MANU S. DSG OF INDIA

B.A.Nos.7913, 7981, 8006,
8059, 8203, 8239, 8606, 8754 & 8763 of 2022

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BY PP SRI.M.C.ASHI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.11.2022, ALONG WITH Bail Appl..8059/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J.

.....
**B.A.Nos.7913, 7981, 8006,
8059, 8203, 8239, 8606, 8754 & 8763 of 2022**
.....

Dated this the 22nd day of November, 2022

ORDER

These are applications for regular bail.

2. Petitioners in B.A.Nos. 8606, 7981, 8006, 8239 and 8754 of 2022 are accused in Crime No. 529 of 2022 of Pallithottam Police station, Kollam District registered alleging commission of offences punishable under Sections 511 and 370 read with Section 34 of the Indian Penal Code, Sections 14A and 14C of the Foreigners Act, 1946, Section 10 of the Emigration Act and Section 12(1)(a) of the Passport Act. The petitioners in B.A.Nos.7913, 8059, 8203 and 8763 of 2022 are accused in Crime No.868 of 2022 of East Police Station, Kollam District, registered alleging commission of offences punishable under Sections 511 and 370 read with Section 34 of the Indian Penal Code and Sections 14A, 14a(b), 14B and 14C of the Foreigners Act, 1946.

3. After hearing the contentions of both sides this Court as per orders dated 28.10.2022 and 04.11.2022 passed interim bail order on conditions, awaiting further instructions in the matter from the respondents concerned especially regarding their stay after their release

since the petitioners are Srilankan refugees/foreign nationals.

4. The petitioners involved in this crime except petitioners in B.A. No.7981 of 2022, petitioners 1 and 2 in B.A. No. 8606 of 2022 and petitioners in B.A. No.8006 of 2022 though granted interim bail were directed to stay after their release on bail in Open Prison and Correctional Home, Nettukaltheri, Thiruvananthapuram awaiting the establishment of detention center/transit home. The learned public prosecutor upon instructions submitted that a transit home has been established in terms of the Model Detention manual in Mayyanad Grama Panchayath, Kottiyam, in Kollam District as per Government order, G.O. (MS) No.10/2022/SJD dated 03.09.2022 and that those foreign nationals who are involved in the crime can be allowed to stay in the said transit home.

5. As regards the Srilankan refugees, i.e., petitioners 1, 2 and 3 in B.A. No.7913 of 2022 and the petitioners in B.A.No.8059 of 2022 and 8239 of 2022, the counsel for the respective petitioners would submit that they may be sent back to their respective refugee camps. The petitioners rely on the judgment in ***Premanand v. State of Kerala, MANU/KE/0633/2013***, in which this Court in a similar circumstance permitted the petitioners therein to continue to stay in the refugee camps concerned. Learned Public Prosecutor did not oppose the request to follow the same procedure in the present cases also.

6. In the interim bail order dated 28.10.2022 it is also ordered that the petitioners in B.A. No.7981 of 2022 and their child, petitioners 1 and 2 in B.A. No. 8606 of 2022 and petitioners in B.A. No.8006 of 2022 and their two children (Master Thenu Jayapriyan and Miss Vojika) shall stay at the home run by Gandhi Bhavan International Trust at Pathanapuram, Kollam District until further orders are issued by this Court. When the matter was taken up for consideration today, the learned counsel appearing for these petitioners submitted that direction may also be issued to the authorities concerned to provide educational facilities to the two children (Master Thenu Jayapriyan and Miss Vojika) of the petitioners in B.A. No.8006 of 2022. Learned counsel for the petitioners pointed out that there are two schools nearby, i.e., St. Stephen's Higher Secondary School for Boys, Pathanapuram and Mount Tabor School H.S.S. for Girls, Pathanapuram, where these children could be accommodated. As regards these petitioners are concerned, taking into consideration the health condition of one of the children of the petitioners and also the advanced pregnancy stage of one of the petitioners, this court is of the opinion that they should be allowed to continue at the home run by Gandhi Bhavan International Trust at Pathanapuram, Kollam District.

In view of the intervening circumstances, these bail applications could be disposed of making the interim bail orders dated

28.10.2022 and 04.11.2022 absolute with further additional directions and modifications as follows:

1. The petitioners who are foreign nationals, who have been directed to stay at Open Prison and Correctional Home, Nettukaltheri, Thiruvananthapuram as per orders dated 28.10.2022 and 04.11.2022 shall immediately be transferred by the investigating officer and be permitted to stay at the transit home at Mayyanad Grama Panchayath, Kottiyam, in Kollam District established as per Government order, G.O.(MS) No. 10/2022/SJD dated 03.09.2022. Necessary arrangements in this regard shall be taken by the investigating officers.
2. Petitioners 1, 2 and 3 in B.A No.7913 of 2022 and the petitioners in B.A. Nos.8059 of 2022 and 8239 of 2022 who are Srilankan refugees who were granted interim bail as per order dated 28.10.2022 and are continuing in Open Prison and Correctional Home, Nettukaltheri, Thiruvananthapuram, shall be taken from the said jail by the investigating officer to Chennai and be handed over to the Commissioner of Rehabilitation of Refugees, Chepauk, Chennai or any of his subordinate competent and authorized to receive their custody. The investigating agency shall obtain an undertaking from the Commissioner of Rehabilitation of Refugees, Chepauk, Chennai to cause production of these petitioners before

the jurisdictional court concerned if need be and also for making them available for investigation or for the trial of the case and produce the said undertaking before the jurisdictional court concerned within two weeks from the date of release and handing over of the petitioners as directed above.

3. The petitioners in B.A. No.7981 of 2022 and their child, petitioners 1 and 2 in B.A. No. 8606 of 2022 and petitioners in B.A. No.8006 of 2022 and their two children (Master Thenu Jayapriyan and Miss Vojika) who were allowed to stay at the home run by Gandhi Bhavan International Trust at Pathanapuram, Kollam District as per interim order dated 28.10.2022 shall be allowed to continue there until further orders.
4. As regards providing educational facilities for Master Thenu Jayapriyan and Miss Vojika, the District Collector, Kollam and the District Educational Officer concerned shall make necessary arrangements so that the children continue their education in the schools suggested by the counsel for the petitioners, or at any other schools nearby Gandhi Bhavan International Trust at Pathanapuram, Kollam District. The Victim Rights Centre under KeLSA shall also interact with the authorities concerned so that the children are provided educational facilities without any delay.
5. The directions contained in the interim bail orders dated

28.10.2022 and 04.11.2022 shall be strictly complied with except the one which are modified or substituted by this order and the interim bail orders dated 28.10.2022 and 04.11.2022 shall form part of this final order.

6. It is made clear that the petitioners and the respondent authorities are free to approach this Court if need arise in future, for the effective implementation of the above said directions and the directions in the interim bail orders dated 28.10.2022 and 04.12.2022.

With the abovesaid directions, the bail applications are disposed of.

Sd/-

VIJU ABRAHAM
JUDGE

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VIJU ABRAHAM, J.

.....
**B.A.Nos.7913, 7981, 8006,
8059, 8203, 8239 and 8606, of 2022**
.....

Dated this the 28th day of October, 2022

ORDER

Petitioners in B.A.Nos.8606, 7981, 8006 and 8239 of 2022 are accused in Crime No. 529 of 2022 of Pallithottam Police station, Kollam District registered alleging commission of offences punishable under Sections 511 and 370 read with Section 34 of the Indian Penal Code, Sections 14A and 14C of the Foreigners Act, 1946, Section 10 of the Emigration Act and Section 12(1)(a) of the Passport Act.

2. The prosecution allegation in Crime No.529 of 2022 is that the petitioners in furtherance of their common intention along with other accused and children, were found near Vaddy Harbour, Kaikulangara Cheny Kollam West Village Kollam, without proper travel documents and permissions while making preparations for illegally immigrating to Canada via Sea. It is alleged that the petitioners along with other accused had intentions and preparations for human trafficking.

3. All the petitioners in these bail applications were arrested on 06.09.2022 and they are in custody since then.

4. The petitioners in B.A.Nos.7913, 8059 and 8203 of 2022

are accused in Crime No.868 of 2022 of East Police Station, Kollam District, registered alleging commission of offences punishable under Sections 511 and 370 read with Section 34 of the Indian Penal Code and Sections 14A, 14a(b), 14B and 14C of the Foreigners Act, 1946.

5. Prosecution allegation in Crime No.868 of 2022 is that the petitioners allegedly sneaked from refugee camps in Tamil Nadu, who were aware that foreign citizens are not permitted to travel within India without proper and valid travel documents, were found within various regions in Tamil Nadu and India without possessing sufficient documents and that they were lured by 17th accused along with accused Nos.1 and 2 promising jobs in Canada after collecting money from the petitioners, reached Kollam with a plan to sail to Canada in a boat and stayed at Kollam in a hotel and that to commit human trafficking, the accused were supposed to leave foreign countries in a fishing boat from Kollam.

6. All the petitioners in these bail applications were arrested on 06.09.2022 and they are in custody since then.

7. Petitioners in these bail applications submit that they are falsely implicated in the abovesaid crimes and that the investigation is practically over and their further detention is not required for the

purpose of the investigation.

8. Learned Public Prosecutor upon instructions submitted that the investigation is going on and the allegation against the petitioners are of a serious nature. The learned Deputy Solicitor General of India, appearing for the Union of India and FRRO, Thiruvananthapuram submitted that since these petitioners are all foreign nationals they cannot be allowed to move around freely in the country after their release until and unless necessary decision is taken in this regard by the Civil Authorities. The said view was reiterated by the learned Public Prosecutor also. On a specific query made by this Court to the learned Public Prosecutor as to whether there are any detention centers established by the State Government, so that the petitioners could stay if they are released on bail, he submitted that the issue regarding establishment of detention centres in the State is under consideration of this Court in W.P(Crl). No.96 of 2022 and that it was submitted by the Government in the said case that a building has been identified at Kottiyam in Kollam District to start a transit home. Thereafter, this Court in the said Writ Petition has issued an order dated 20.10.2022 that a temporary detention center should be set up within a period of one month from the date of the order, failing which the Secretaries of

the concerned department shall appear before the Court in person and the case is now being posted to 23.11.2022 for further consideration. Learned Public Prosecutor upon instruction submitted that temporary detention center will be established and notified without any delay and thereafter the petitioners could be permitted to continue there in the event of their release on bail. It is further seen that many of the petitioners are persons who were living in various refugee camps situated in State of Tamil Nadu and petitioners as well as the respondents submitted that they could be sent back to such refugee camps in Tamil Nadu where strict surveillance is provided by the Government of Tamil Nadu. This Court has impleaded the Director of Rehabilitation and Welfare of Non Resident Tamils, Chepauk, Tamil Nadu as additional respondent and notice has been issued to the said respondent by speed post/e-mail and the question of sending back the petitioners to refugee camps established by the Government of Tamil Nadu could be decided only after obtaining the views of the said respondent.

9. In view of the above, this Court is of the opinion that these bail applications should not be finally disposed of, so as to obtain the views and instructions from the Government of Kerala, the Central

Government and that of the Government of Tamil Nadu. Since the petitioners are in custody from 09.06.2022 and some of them are women, and a few of their children are now under the protection of the Child Welfare Committee and now staying at care home and further that child of one of the petitioners is having serious health issues, this Court is of the opinion that petitioners cannot be further detained till instructions are obtained from the respective Government departments regarding the detention centres. Therefore, considering all these aspects and also taking into consideration the fact that petitioners are in custody from 06.09.2022 onwards, I am inclined to grant interim bail to all the petitioners in these bail applications.

10. Since all these petitioners are citizens of Srilanka, this Court is of the opinion that further directions are to be issued regarding their stay after their release on bail till specific instructions are received from the official respondents, who have already been impleaded in these bail applications. The petitioners in B.A. No.7981 of 2022 are husband and wife and they submit that they have come to India along with their two children for the treatment of their 4 year old boy who is suffering from "Kernicterus" a serious brain damage and the child requires constant treatment. It is submitted that the child is presently

with his mother at Attakulangara Women's Correctional Home. It is further submitted that petitioners 1 and 2 in B.A. No.8606 of 2022 are husband and wife and the 2nd petitioner is 5 months pregnant and is detained in Attakulangara Women's Prison and Correctional Home and her continued detention in prison is affecting her as well as her baby's health. The petitioners in B.A. No.8006 of 2022 are husband and wife and they were arrested along with their two children and the children are now under the custody of Child Welfare Committee, Kollam District and the children are now separated from their parents as the petitioners are detained in judicial custody. The Kerala State Legal Service Authority (KELSA) was impleaded as a respondent in these cases. Adv. Parvathy Menon representing KeLSA and the Victims Right Centre under KELSA entered appearance and filed statements. Smt.Parvathy Menon submitted that the facts stated above were verified and are found to be genuine. The child who is ill, requires constant medical attention. She further submits that the petitioners in B.A. No.7981 of 2022 and their child, petitioners 1 and 2 in B.A. No. 8606 of 2022 and petitioners in B.A. No.8006 of 2022 and their two children (Master Thenu Jayapriyan and Miss Vojika) can be accommodated in the home run by Gandhi Bhavan International Trust at Pathanapuram, Kollam

District till the Government starts detention centres or some other rehabilitation centres for such foreign citizens. Therefore, it is ordered that the petitioners in B.A. No.7981 of 2022 and their child, petitioners 1 and 2 in B.A. No. 8606 of 2022 and petitioners in B.A. No.8006 of 2022 and their two children (Master Thenu Jayapriyan and Miss Vojika) shall stay at the home run by Gandhi Bhavan International Trust at Pathanapuram, Kollam District until further orders are issued by this Court. It is further ordered that they shall not leave the premises of the home run by Gandhi Bhavan International Trust at Pathanapuram, Kollam District without obtaining necessary permission from the investigating officer in Crime No. 529 of 2022 of Pallithottam Police station, Kollam District. The investigating officer shall deploy necessary personnels for the surveillance of the petitioners who are permitted to stay at the home run by Gandhi Bhavan International Trust at Pathanapuram, Kollam District. The authorities under FRRO, Thiruvanthapuram shall also be at liberty to visit the home, where they are staying and shall also take necessary steps required under laws with regard to foreign citizens, in respect of all the petitioners in these bail applications. The Director of Health Services is impleaded as Additional Respondent in these bail applications. The said respondent

as well as the District Medical Officer, Kollam shall see that necessary medical facility is provided to the child who is suffering from 'Kernicterus' and also to the pregnant woman, including providing necessary ambulance service, whenever required. Adv. Paravthy Menon submitted that necessary facilities for their stay and basic medical facilities will be provided by the Gandhi Bhavan International Trust and if any specialized treatment is required it should be provided by the District Medical Officer, Kollam. It is made clear that if any requirement arises for taking the children or any of the petitioners out of the home where they are allowed to stay as per this order, the authorities of Gandhi Bhavan International Trust or the authorities under the KELSA shall do so only after getting necessary permission of the investigating officer in Crime No. 529 of 2022 of Pallithottam Police station, Kollam District and the investigating officer shall grant permission without any delay if such request is made and they shall be allowed to move out of the Home under police protection.

11. As regards the other petitioners, ie., 3rd petitioner in B.A.No. 8606 of 2022 and petitioners in B.A.No.7913 of 2022, B.A.No.8203 of 2022, B.A.No. 8059 of 2022 and B.A.No.8239 of 2022, their further stay after their release will be decided only after getting

instructions from the official respondents. Learned Public Prosecutor upon instructions submitted that these petitioners could be allowed to stay in Open Prison and Correctional Center, Nettukaltheri, Thiruvananthapuram till the bail applications are disposed of, for which the learned counsel for the respective petitioners also agreed to. Therefore, the 3rd petitioner in B.A.No. 8606 of 2022 and petitioners in B.A.No.7913 of 2022, B.A.No.8203 of 2022, B.A.No. 8059 of 2022 and B.A.No.8239 of 2022, shall be allowed to stay in Open Prison and Correctional Home, Nettukaltheri, Thiruvananthapuram, till further orders are issued by this Court and the investigating officer shall take steps to take them to Open Prison and Correctional Center, Thiruvananthapuum, after their release on bail. It is made clear that petitioners are not staying in the said open jail as prisoners but only as a temporary arrangement till further orders are issued in this regard. The Superintendent of Open Prison and Correctional Center, Thiruvananthapuram, shall see that all basic amenities including food and medical facilities are provided to the petitioners without fail. It is further submitted by the learned counsel for the petitioners that since they are from a foreign country, they are finding it difficult to find solvent sureties and therefore they shall be released on personal bond. I find

considerable force in the said request and also taken into consideration the fact that even after the release of the petitioners, they are kept under police surveillance, I feel that their prayer for release on executing personal bond can be allowed.

Therefore interim bail is granted to the petitioners on the following conditions:

(i) Petitioners shall be released on bail executing a personal bond of Rs.25,000/- (Rupees twentyfive thousand only) (solvent or not) before the jurisdictional court.

(ii) Petitioners shall co-operate with the investigation.

(iii) Petitioners shall not attempt to interfere with the investigation or to influence any witnesses in Crime No.529 of 2022 of Pallithottam Police Station, Kollam District and Crime No.868 of 2022 of East Police Station, Kollam District.

(iv) Petitioners shall not involve in any other crime while on bail.

(v) Petitioners in B.A.No.7981 of 2022, petitioners 1 and 2 in B.A.No. 8606 of 2022 and petitioners in B.A.No.8006 of 2022 shall furnish necessary undertaking/affidavit before the jurisdictional court to the effect that they shall continue to stay at the home run by Gandhi

Bhavan International Trust, Pathanapuram and it is further ordered that they shall not move out of the said home without obtaining prior permission of the investigating officer in the Crime No.529 of 2022 of Pallithottam Police Station, Kollam District.

(vi) The 3rd petitioner in B.A.No.8606 of 2022 and petitioners in B.A.No.7913 of 2022, B.A.No.8203 of 2022, B.A.No. 8059 of 2022 and B.A.No.8239 of 2022 shall stay after their release on bail in Open Prison and Correctional Home, Nettukaltheri, Thiruvananthapuram, until further orders.

If any of the conditions are violated the investigating officer in the abovesaid crimes (Crime No.529 of 2022 of Pallithottam Police Station, Kollam and Crime No.868 of 2022 of East Police Station, Kollam) shall be at liberty to move the jurisdictional court for cancellation of bail.

The jurisdictional Magistrate shall issue necessary directions to the authorities concerned to implement the directions contained in this order.

The investigating officer in Crime No.529 of 2022 of Pallithottam Police Station, Kollam and Crime No.868 of 2022 of East Police Station, Kollam shall take sincere endeavour to complete the

investigation and file respective final reports at the earliest.

The jurisdictional court shall soon after receipt of the final report in the above numbered crimes, shall take sincere steps to complete the trial of the cases at the earliest, at any rate within a period of three months from the date of filing of the final reports.

The official respondents are directed to submit concrete and specific instructions especially regarding their continued stay, before the next posting date. Post the case for further consideration on 03.11.2022.

Sd/-

**VIJU ABRAHAM
JUDGE**

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VIJU ABRAHAM, J

BA Nos. 8754 & 8763 of 2022

Dated this the 4th day of November, 2022

O R D E R

These are applications for interim bail.

2. In BA No.8754 of 2022, the petitioner is the second accused in Crime No.529/2022 of the Pallithottam Police Station, Kollam under the Jurisdiction of Judicial First Class Magistrate Court -II, Kollam.. The petitioner is a Sri Lankan Citizen and alleged to have committed offences under Sections 511,370 r/w S.34 of the Indian Penal Code, U/s 14 A and 14 C of Foreigners Act 1946 ,Section 10 of The Emigration Act and U/S 12 (1) (a) of The Passport Act.

3. The prosecution allegation is that under the aid of the petitioner and first accused and in furtherance of their common intention the petitioner, other accused and their children were found near Vaddy Harbour, Kaikulangara Cherry Kollam West Village Kollam, without proper travel documents and permissions while making preparations for illegally immigrating to Canada Via Sea. It is alleged that the petitioner

along with other accused had intentions and preparations for Human Trafficking and thereby the accused has committed the aforesaid offences.

4. The petitioner was arrested on 06.09.2022 and is in custody since then.

5. In BA No.8763/2022, the petitioner is a citizen of Sri Lanka and the 2nd accused in Crime No.868/2022 of the East Police Station Kollam, alleging commission of offences punishable under Sections 511, 370 r/w S.34 of the Indian Penal Code and U/s 14 A, 14 a (b),14 B,14 C of Foreigners Act 1946.

6. The prosecution allegation as in FIR is that the, first accused and petitioner in this case who are Sri Lankan Citizens, with intention to obtain unlawful gain, obtained money from accused 3 to 11 and had intentions and preparations for Human Trafficking by transporting them unlawfully to foreign countries via Sea Accused 3 to 11 are Sri Lankan Refugees who deserted from the Refugee camps without permission. Despite being aware that refugees/foreign citizens are not permitted to travel within India without proper

and valid travel documents, they travelled to Kollam, Kerala and were found by police at Ambadi Lodge, Kollam Kerala without proper Travel Documents.. Accused 12 to 16 were subsequently arrested. It is also further alleged that the 15th and 16th accused in this case who are Indian Citizens abetted the other accused persons in the commission of the alleged offences.

7. The petitioner was arrested on 05-09-2022 and is in custody since then.

8. Petitioners in these bail applications submit that they are falsely implicated in the abovesaid crimes and that the investigation is practically over and their further detention is not required for the purpose of the investigation.

9. Learned Public Prosecutor upon instructions submitted that the investigation is going on and the allegation against the petitioners are of a serious nature. The learned Deputy Solicitor General of India, appearing for the Union of India and FRRO, Thiruvananthapuram submitted that since these petitioners are all foreign nationals they cannot be allowed to move around freely in the country after their release until and

unless necessary decision is taken in this regard by the Civil Authorities. The said view was reiterated by the learned Public Prosecutor also. On a specific query made by this Court to the learned Public Prosecutor as to whether there are any detention centers established by the State Government, so that the petitioners could stay if they are released on bail, he submitted that the issue regarding establishment of detention centres in the State is under consideration of this Court in W.P(Crl). No.96 of 2022 and that it was submitted by the Government in the said case that a building has been identified at Kottiyam in Kollam District to start a transit home. Thereafter, this Court in the said Writ Petition has issued an order dated 20.10.2022 that a temporary detention center should be set up within a period of one month from the date of the order, failing which the Secretaries of the concerned department shall appear before the Court in person and the case is now being posted to 23.11.2022 for further consideration. Learned Public Prosecutor upon instruction submitted that temporary detention center will be established and notified without any delay and thereafter the petitioners

could be permitted to continue there in the event of their release on bail. It is further seen that many of the petitioners are persons who were living in various refugee camps situated in State of Tamil Nadu and petitioners as well as the respondents submitted that they could be sent back to such refugee camps in Tamil Nadu where strict surveillance is provided by the Government of Tamil Nadu.

10. In view of the above, this Court is of the opinion that these bail applications shall not be finally disposed of, so as to obtain the views and instructions from the Government of Kerala, the Central Government and that of the Government of Tamil Nadu. Since the petitioners are in custody from 06.09.2022 this Court is of the opinion that petitioners cannot be further detained till instructions are obtained from the respective Government departments regarding the detention centres. Therefore, considering all these aspects and also taking into consideration the fact that petitioners are in custody from 06.09.2022 onwards, I am inclined to grant interim bail to all the petitioners in these bail applications.

11. Since all these petitioners are citizens of Srilanka, this Court is of the opinion that further directions are to be issued regarding their stay after their release on bail till specific instructions are received from the official respondents.

12. As regards the petitioners in these bail applications, their further stay after their release will be decided only after getting instructions from the official respondents. Learned Public Prosecutor upon instructions submitted that these petitioners could be allowed to stay in Open Prison and Correctional Center, Nettukaltheri, Thiruvananthapuram till the bail applications are disposed of, for which the learned counsel for the respective petitioners also agreed to. Therefore, the petitioners in both the bail applications shall be allowed to stay in Open Prison and Correctional Home, Nettukaltheri, Thiruvananthapuram, till further orders are issued by this Court and the investigating officer shall take steps to take them to Open Prison and Correctional Center, Thiruvananthapuum, after their release on bail. It is made clear that petitioners are not staying in the said open jail as prisoners but only as a temporary arrangement till further

orders are issued in this regard. The Superintendent of Open Prison and Correctional Center, Thiruvananthapuram, shall see that all basic amenities including food and medical facilities are provided to the petitioners without fail. It is further submitted by the learned counsel for the petitioners that since they are from a foreign country, they are finding it difficult to find solvent sureties and therefore they shall be released on personal bond. I find considerable force in the said request and also taken into consideration the fact that even after the release of the petitioners, they are kept under police surveillance, I feel that their prayer for release on executing personal bond can be allowed. Therefore interim bail is granted to the petitioners on the following conditions:

- (i) Petitioners shall be released on bail executing a personal bond of Rs.25,000/- (Rupees twenty five thousand only) (solvent or not) before the jurisdictional court.
- (ii) Petitioners shall co-operate with the investigation.

(iii) Petitioners shall not attempt to interfere with the investigation or to influence any witnesses in Crime No.529 of 2022 of Pallithottam Police Station, Kollam District and Crime No.868 of 2022 of East Police Station, Kollam District.

(iv) Petitioners shall not involve in any other crime while on bail.

(v) The petitioners in both the bail applications shall stay after their release on bail in Open Prison and Correctional Home, Nettukaltheri, Thiruvananthapuram, until further orders.

If any of the conditions are violated the investigating officer in the abovesaid crimes (Crime No.529 of 2022 of Pallithottam Police Station, Kollam and Crime No.868 of 2022 of East Police Station, Kollam) shall be at liberty to move the jurisdictional court for cancellation of bail.

The jurisdictional Magistrate shall issue necessary directions to the authorities concerned to implement the directions contained in this order. The investigating officer in

Crime No.529 of 2022 of Pallithottam Police Station, Kollam and Crime No.868 of 2022 of East Police Station, Kollam shall take sincere endeavour to complete the investigation and file respective final reports at the earliest. The jurisdictional court shall soon after receipt of the final report in the above numbered crimes, shall take sincere steps to complete the trial of the cases at the earliest, at any rate within a period of three months from the date of filing of the final reports. The official respondents are directed to submit concrete and specific instructions especially regarding their continued stay, before the next posting date.

Post the case along with other connected cases.

sd/-

VIJU ABRAHAM, JUDGE

R.AV