

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

WEDNESDAY, THE 12TH DAY OF AUGUST 2020 / 21ST SRAVANA, 1942

Bail Appl..No.4708 OF 2020

CRIME NO.7/2020 OF Agatti Police Station, Lakshadweep

PETITIONER/ACCUSED:

ROLAND MOESLE
AGED 52 YEARS , S/O ANTONMOESLE
49, PARDA BAGH DARYA GANJ
NEW DELHI
110002

BY ADV. SRI.M.R.SARIN

RESPONDENT:

UNION TERRITORY OF LAKSHADWEEP
REPERSENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031

BY SRI.MANU.S, SCGC, ADMINISTRATION OF THE UNION
TERRITORY OF LAKSHADWEEP
SRI.C.N.PRABHAKARAN SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12.08.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 12th day of August 2020

This is an application filed under Section 438 of Cr.P.C seeking anticipatory bail.

2. The applicant is the sole accused in Crime No.7/2020 of Agatti Police Station, Lakshadweep for having allegedly committed offences punishable under Sections 12(1)(c) of the Passports Act and Section 3 r/w Section 14(a), (c) of the Foreigners Act.

3. The applicant is a German Citizen and entered India with a valid German Passport valid till 2011, in the year 2006. He also had a Visa produced as Annexure A2. Being an Engineer by profession, he started a company named M/s Euroland Project And Construction Solutions Private Limited a company registered with the Registrar of Companies at New Delhi in the year 2006. The company has been functioning all these years. He has obtained PAN card in the name of the

company as well as in his personal name. Aadhar was also obtained, and he is now residing in the island of Banagaram in Lakshadweep. He also has an address in New Delhi. He was under the belief that he has acquired Indian Citizenship through naturalization. PAN card and Aadhar were very liberally granted to him without any questions being asked about his citizenship. Hence, he believed that Citizenship was granted to him. Ignorance of the law is no excuse.

4. He should have consulted knowledgeable persons to find out the manner in which he could acquire the Citizenship of India. Hence, his act of continuing his residence in India is definitely a violation of the provisions stated above. The maximum punishment prescribed for the violation is less than seven years and hence, the benefit of the Full Bench decision of this Court in WPC No.9400/2020 would come to his assistance as far as his incarceration is concerned. The applicant

is presently residing in the island of Lakshadweep and it is not possible for him to leave the island without the concurrence and knowledge of the authorities concerned. The applicant is willing to co-operate with the investigation and therefore, he is directed to face trial before the Chief Judicial Magistrate Court, Amini. There is no possibility of the accused absconding. Hence, I am inclined to grant him an anticipatory bail as sought for, with stringent conditions.

5. In the result, the application is allowed, and the applicant is directed to surrender before the investigating officer within two weeks. After interrogation, in the event of his being arrested, he shall be released on bail on the execution of bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties, each for the like amount, preferably from Lakshadweep, to the satisfaction of the investigating officer and on the following conditions;

1. He shall not leave the island of Lakshadweep without the knowledge of the police authorities and the jurisdictional court and give his address and contact details to the police.

2.He shall appear before the investigating officer as and when called for.

3.He shall not get involved in any crime during the bail period.

In the event of violating the bail conditions, the prosecution shall be at liberty to apply for cancellation of bail before the jurisdictional court.

sd/-

ASHOK MENON

JUDGE

SPK