

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
B.A. No. 3929 of 2020**

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1. Mahashin Ahmed
  2. Shipon Hussain Khan
  3. Jahed Kabir
  4. Farimang Ceesay
  5. Musa Jallow
  6. Shiful Islam Mohammed
  7. Kazi Delwar Hossain
  8. Farouk Albert Khan
  9. Muhammad Azim Bin Sulaiman @ Md. Azim
  10. Nor Kamruzzaman Bin Abd Rahman
  11. Mahazir Bin Khamis
  12. Mohd Shafik Bin Mat Isa
  13. Siti Aisah Binti Daud
  14. Nor Hayati Binti Ahmad
  15. Nor Rashidah Binti Tomadi
  16. Rasyida Auni Majiha Binti Abd Razak
  17. Nadeem Khan
- ... .. **Petitioners**

**Versus**

State of Jharkhand ... .. **Opposite Party**

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**CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY**  
**Through- Video Conferencing**

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For the Petitioners : Mr. A. Allam, Sr. Advocate  
For the State : Mr. Nawin Kr. Singh, A.P.P.  
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03/15.07.2020 Heard Mr. A. Allam, learned senior counsel for the petitioners and Mr. Nawin Kr. Singh, learned A.P.P. for the State.

The petitioners are accused in connection with Hindpiri P.S. Case No. 34/2020, registered under Sections 188, 269, 270, 271 of the Indian Penal Code, Section 3 of the Epidemic Diseases Act, Section 51 of the National Disaster Management Act and under Section 13 and 14 (B) (C) of the Foreigners Act.

An inquiry was conducted on 05.04.2020 in relation to *Badi Masjid* and *Madina Masjid* situated at Hindpiri. It came to the knowledge that some foreign nationals were staying in both the Mosques as well as in the house of Haji Meraj. It has been alleged that they were staying without informing the local authorities and without any medical checkup. To contain the spread of coronavirus in the country there was a

-2-

nation wide lockdown and on 24.03.2020 the local Administration had imposed Section 144 Cr.P.C. It has further been alleged that the accused persons had violated the order of the Govt. of India and had also propagated religion which was in violation of the terms and conditions of granting VISA. On 30.03.2020 the foreign nationals as well as an Indian were sent for medical checkup in RIMS. The petitioner no. 16 tested positive and she was kept in RIMS, Isolation Centre while the rest were quarantined in Khelgaon, Ranchi.

It has been stated by Mr. A. Allam, learned senior counsel for the petitioners that the only non-bailable offence is under Sections 13 and 14 of the Foreigners Act. Learned senior counsel submits that during lockdown the petitioners could not move anywhere and were forced to be confined inside the Mosque as well as in the house of Md. Haji Meraj. It has been stated that none of the petitioners had violated Tourists VISA and that several similarly situated persons as that of the petitioners in various parts of the country have been granted bail. Learned senior counsel submits that the petitioners are in custody since 07.04.2020 and four of the petitioners are ladies out of whom three are pregnant.

Learned A.P.P. has opposed the prayer for bail of the petitioners and has stated that in spite of a nation wide lockdown the petitioners had blatantly violated the directives of the Government and were propounding religious preaching which is in violation of the VISA Rules.

Admittedly there was a lockdown during the period when the petitioners were apprehended. The allegations against the petitioners are that they had come to participate at a conference at 'Markaz Mosque', Nejamuddin at New Delhi and thereafter had stayed at Hindpiri without informing the local Administration and without getting medical tests done. They were also alleged to be propagating religious sermons in various congregations inside the Mosque. Some witnesses

-3-

also seem to support such version but it is to be borne in mind that there was a complete lockdown on account of Covid-19 pandemic and most of the petitioners according to the prosecution were staying inside the Mosque. Such allegations, therefore, appears to be vague and inconclusive.

Learned senior counsel for the petitioners has also referred to Rule 6 of the Registration of Foreigners Rules, 1992 and has stated that it was not necessary for the petitioners to inform the local authorities since their VISA was not for more than 180 days. It has further been stated that the petitioners had assembled in India between 17.03.2020 and 20.03.2020 for attending the conference and all were to return back to their respective countries by June, 2020.

In view of the above submission it would appear that there was no necessity for submitting a report in terms of Rule 6 of the Registration of Foreigners Rule, 1992. It would be apparent that on account of the lockdown all the petitioners were virtually stranded in a foreign country and the main allegation seems to be that no information was given to the local Administration about their stay which according to the learned senior counsel for the petitioners was not at all necessary.

Be that as it may, considering the gamut of allegations levelled against the petitioners which have been considered as above and the fact that the petitioners are in custody since 07.04.2020, all the petitioners, named above, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Ranchi in connection with Hindpiri P.S. Case No. 34/2020.

**(R. Mukhopadhyay, J.)**