



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.7159 of 2017

1 SOORIYA
2 MUTHUKUMAR

... PETITIONERS/CCUSED NO.2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
Q BRANCH CID POLICE STATION,
TRICHY,
CRIME NO.1/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA Advocate

For Respondent : MR.R.RAMACHANDRAN, Additional Public Prosecutor

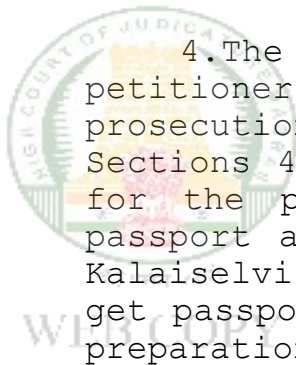
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/accused 2 and 3 who were arrested and remanded to judicial custody on 23.03.2017, for the offence under Sections 12 (1)(b) of Passport Act and Sections 465, 467, 468, 471 and 472 IPC in Crime No.1 of 2017 on the file of respondent/Police, seek bail.

2.The case against the petitioners is that they attempted to get passport to the prime accused Kalaiselvi by producing false and fabricated documents. Hence, they were arrested for the abovesaid offences. As per the FIR, based on the information collected through informant, the premises of one Kalaiselvi running business in the name and style of 'Malaysian Air Travels' was searched and incriminating materials were recovered from the business premises as well as her residence. Voter Identity Cards, Aadhaar Cards and Mark Sheets were recovered along with several other incriminating materials like fake school certificates and Aadhaar cards were also seized.

3.Based on the confession given by the said Kalaiselvi, these two petitioners were arrested and remanded to judicial custody. The said Kalaiselvi is not authorised person to facilitate aspirants to get passport. The investigation further reveals that she had been collecting huge money from Srilankan refugees and others to prepare fake passports and travel documents. In the course of investigation, it is now come to light that the documents seized from Kalaiselvi are fake documents by changing the address. The documents like Aadhaar card, Voter ID, Bank Passbook were created fraudulently with different residential address, for which, they have paid Rs.20,000/-.



4.The counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution under Section 12(1)(b) of Passports Act or under Sections 465, 467, 468, 471 and 472 IPC. According to the counsel for the petitioners, the petitioners are only aspirants to get passport and believing the promise made by the 1st accused namely, Kalaiselvi, they have furnished all the relevant documents to her to get passport and they are not aware of any fraudulent or dishonest preparation of documents in their names by Kalaiselvi.

5.It is further submitted by the counsel that the prime accused and the 4th accused were released on bail on 18.05.2017. Therefore, these petitioners who have no role in the alleged crime may be enlarged on bail. It is also submitted by the counsel that the 2nd petitioner is suffering from severe ailment which needs special care and recently on reference by the Prison authorities, he was admitted in Government Hospital, Trichy for removal of stunt.

6.The learned Public Prosecutor submitted that certain incriminating materials were seized from these petitioners such as Voter ID, Aadhaar Card and Bank Passbook indicating the 2nd petitioner as a resident of Trichy, whereas, he is a resident of Pondicherry. These false documents found in possession of the 2nd petitioner clearly go to show that he has facilitated the crime of preparing fake and fraudulent documents to obtain passport. Likewise, the Mobile Phone seized from the 1st petitioner also contains certain incriminating material which has to be verified and tested. Since the investigation is not yet completed, the petitioners should be detained till then.

7.No doubt, the alleged offence is very grave in nature. The incriminating materials from the petitioners prima facie indicate their involvement in the alleged crime. However, taking note of the period of incarceration and the fact that the prime accused has already been granted bail by High Court, this Court is inclined to grant bail to these petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:-

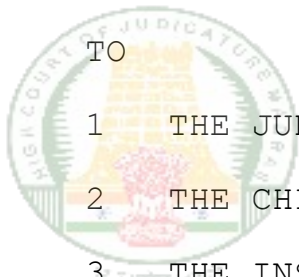
(i)The petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees fifty Thousand Only) each, with two sureties (one must be from their blood relations) for a like sum to the satisfaction of the Judicial Magistrate No.II, Trichy.

(ii)The petitioners shall report before the respondent/Police daily at 10.00 a.m., until further orders.

sd/-

20/06/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.

2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY

3 THE INSPECTOR OF POLICE
Q BRANCH CID POLICE STATION, TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.24626

nbi

CSL/PM-PN/SAR-I/22.06.2017: 3P/7C

ORDER

IN

CRL OP(MD) No.7159 of 2017

Date :20/06/2017