



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1328 of 2018

RAMZAN BEGUM

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY ITS.,
THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

(*) CRIME NO.7/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JEYAKARTHIK, Advocate for
M/S.L.HASAN MOHAMED MOOMIN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections **(*)12(1)(b) of Passport Act, 1967, in Crime No.7 of 2018**, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that in the year 2013, the petitioner herein submitted the application for getting passport, for which, she produced her 5th standard transfer certificate for residential proof. On enquiry, it came to understand that the above transfer certificate was forged one. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. Originally, the marriage was solemnized to the petitioner in the year 2012. Since, the petitioner's husband working in abroad, she made application for seeking passport through her relative and she did not produce any fraudulent document as alleged by the respondent. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner's husband working in abroad, so in order to get a passport, she made application to the Passport office with forged document, thereby, she committed the offence. According to him, investigating is still pending.

WEB COPY

5. Upon considering the submissions advanced by either side, it is alleged that during the time of submitting application before the Passport Authority, the petitioner being a female member given a false particulars with regard to her Date of Birth. The certificate which was given by the petitioner was recovered. So, custodial interrogation of the petitioner may not be necessary for completing the investigation, thereby, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

05/02/2018

**(*) AMENDED AS PER ORDER OF THIS HON'BLE
COURT MADE IN CRL.MP(MD) 786/18 IN CRL OP(MD)
1328/18 DATED 05.02.2018 BY RPAJ.**

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE, KAMUTHI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.JEYAKARTHIK, Advocate SR.No.1961

ORDER

IN

CRL OP(MD) No.1328 of 2018

Date :05/02/2018

PK/PM-PN/SAR-4/12.02.2018 : 3P/6C