



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16591 of 2017

DAMOTHARAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
NORTH POLICE STATION, DINDIGUL.
CRIME NO.776 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.MARIAPPAN Advocate

For Respondent : MR.K.S.DURAI PANDIAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

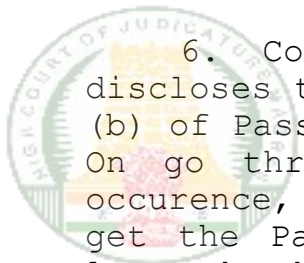
Heard both sides.

2. The petitioner is arrayed as sole accused in Crime No.776 of 2015 of North Police Station, Dindigul. He apprehends arrest at the hands of the respondent police for the alleged offences under Sections 468, 471 I.P.C., r/w12(1)(b) of Passport Act 1967, he has filed this petition, seeking grant of anticipatory bail.

3. The case of the prosecution is that the defacto complainant namely, the Passport Officer has preferred a complaint before the respondent police that the petitioner applied the Passport with necessary documents, at that time, the defacto complainant found that the petitioner created a bogus birth certificate in order to get Passport. Hence, the defacto complaint lodged a complaint against the petitioner.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in the above said offences. Hence, he prays for grant of anticipatory bail.

5. The learned Additional Public Prosecutor submitted that the case has been registered and the charge sheet has also been filed, but the same was not taken on file by the concerned Magistrate. He further submitted that the petitioner is not having any previous case in the similar type of offence.



6. Considering the submissions made by either side, it discloses that the offences under Sections 468, 471 I.P.C., r/w12(1) (b) of Passport Act 1967 has been registered against the petitioner. On go through the facts of the case, at the time of alleged occurrence, the petitioner created a bogus certificate in order to get the Passport, as of now, as per the submissions made by the learned Additional Public Prosecutor, the charge sheet has been filed, but it was not taken on file by the learned Judicial Magistrate. Hence, custodial interrogation is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(i) The petitioner is granted anticipatory bail in the event of his arrest or on his surrender before the Chief Judicial Magistrate, Madurai on or before 18.01.2018, failing which, the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- with two sureties for a like sum each to the satisfaction of the learned Chief Judicial Magistrate, Madurai.

(iii) The petitioner is directed to appear before the respondent / police daily at 10.00 a.m. for a period of three weeks.

(iv) The petitioner shall make himself available for interrogation as and when required by the investigation officer.

(v) 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/-

04/01/2018

/ TRUE COPY /

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

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 2 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.MARIAPPAN Advocate SR.No.172

ORDER IN

CRL OP(MD) No.16591 of 2017

Date :04/01/2018