



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2960 of 2019

1 KANNAN
2 ANDAVAR

... PETITIONERS / ACCUSED No.1 &
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI
Crime No.2/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.P.SENGUTTUARASAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody since 26.01.2019 for the offence punishable under Sections 420, 468, 471 IPC and Section 12(1) (a) of Passport Act, 1967, in Cr.No.2 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that by preparing bogus birth certificate the first petitioner applied for passport and by found that it was bogus birth certificate, the passport authority refused to issue the passport and lodged the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Based on the confession of A1, A2 was implicated in this case. He further submits that based on the certificate issued by the Headmaster, the said certificate is produced before the passport authority. Hence, he prayed for bail.

<https://hcservices.ecourts.gov.in/hcservices> 4.The learned Additional Public Prosecutor would submit that passport was not issued to the first petitioner.



5. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
28/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THENI.

<https://hcservices.courts.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI.

4.THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM, THENI DISTRICT.

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

+1. CC to Mr.P.SENGUTTUARASAN Advocate SR.No.4011

ORDER

IN

CRL OP (MD) No.2960 of 2019

Date :28/02/2019

TK/PN/SAR-4/28.02.2019/3P/7C