



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3312 of 2019

ZIARATH ALI

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
KEELASELVANUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
Crime NO.2/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.BETHANASAMY, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

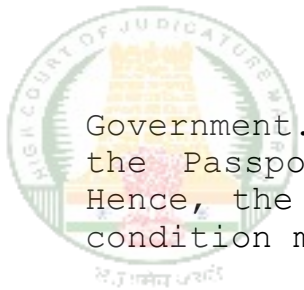
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 12 (1) (b) of Indian Passport Act, 1967, in Cr.No.2 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is having two passport one was obtained in Kulalamboor and another one was obtained in India. Now, in continuance of the passport issued in India, he applied for fresh passport by surrendering the passport issued in Kulalamboor. The particulars given by the petitioner is differed from the particulars mentioned in the passport which he surrendered. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner voluntarily surrendered one passport since he is having two passports. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the State would submit that the petitioner is having two passport one was issued by India and another one was issued by Malaysian



Government. The petitioner surrendered Malaysian passport before the Passport officer. There is no similarity in the passport. Hence, the passport officer filed a complaint. Hence, any stringent condition may be imposed on him.

6. Considering the facts and circumstances of the case the petitioner already surrendered the earlier passport and new passport not issued, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mudukulathur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(d) the petitioner 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 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]**; and;

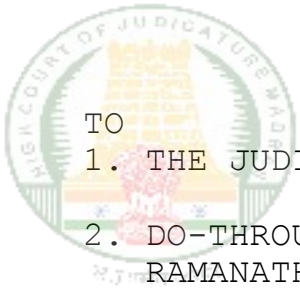
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, MUDUKULATHUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
KEELASELVANUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.C.BETHANASAMY Advocate SR.No.4201

ORDER

IN

CRL OP (MD) No.3312 of 2019

Date :04/03/2019

MS/PN/SAR-1/06.03.2019/2P.6C