



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 18/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8060 of 2019

Gopalkirshnan @ Gopala Krishnan ... Petitioner/Accused
Rank not known

Vs

The state rep.by,
The Inspector of Police,,
Kenikarai Police Station,
Ramanathapuram District
Crime No.not known of 2019. ... Respondent/Complainant

For Petitioner : M/s.C.Senthil Murugan,
Advocate.
For Respondent : Mr.V.Neelankandan,
Additional Public Prosecutro.

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

PRAYER :-

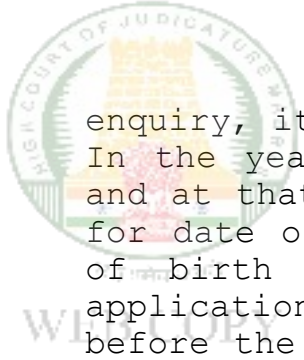
For anticipatory bail in cr.no. not known of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468 of IPC and Section 12 (1) (b) of Passport Act, in Crime No. not known of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that even as per the FIR, in the year 2012, the petitioner had applied for passport. At that time he has produced his birth certificate for age proof and on further



enquiry, it reveals that the said birth certificate was a bogus one. In the year 2019, the petitioner again moved for getting passport and at that time, he has produced his transfer certificate as proof for date of birth. Now, the passport authority found that the date of birth in the new application is differ from the earlier application. Therefore, the passport authority lodged a complaint before the respondent police, regarding the genuineness of the date of birth. He further submitted that in the year 2012, he was only aged about 17 years and he has approached one agent for getting passport and the agent played fraud in the petitioner's by producing a bogus certificate. Besides the petitioner do not have any knowledge about the bogus certificate produced on an earlier occasion, and hence, he prayed anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner has produced his birth certificate to the passport authorities for getting passport and the passport authorities have forwarded the petitioner's birth certificate to the Superintendent of Police, Ramanathapuram, to verify its genuineness. For that purpose, the petitioner was called for enquiry. But, the petitioner immediately, approached this Court. However, he fairly conceded that no previous case is pending against the petitioner.

5.Recording the above submission, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the 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, No.II, Ramanathapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

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



(v) 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].

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

sd/-
18/06/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8060 of 2019
Date :18/06/2019

DSS
PK/PN/SAR-4/28.06.2019 : 3P/5C