



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9886 of 2019

Niruban @ Lanchan

... Petitioner/Accused No.A1

Vs

State Rep.by
The Inspector of Police,
Q Branch CID,
Ramanathapuram District,
in Crime No.1 of 2019

... Respondent/Complainant

For Petitioner : M/s.B.Senthil Kumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

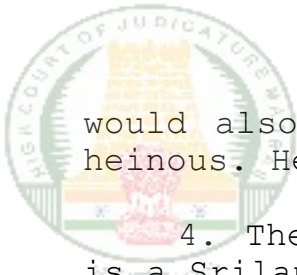
For Bail in Crime No. 1 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petition has been filed by the Accused No.1 seeking bail for the alleged offence punishable under Sections 120 (b), 420, 465, 468, 471 of IPC and 3, 12 (1A) (a) and 12 (2) of the Passport Act, 1967, in Crime No.1 of 2019.

2. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the petitioner herein is not involved in any criminal activities and the main allegations are against the other accused persons only. He further submitted that he approached the broker for getting passport. He further submitted that the petitioner is in custody for more than 67 days. Hence, he prayed bail to the petitioner.

3. The learned Additional Public Prosecutor has submitted that the petitioner herein is a Srilankan refugee and he tried to get fake passport for leaving Indian and to go to his native country. He



would also submit that the offence committed by the petitioner is heinous. Hence, he opposed to grant bail to the petitioner.

4. The case of the prosecution is that the petitioner herein is a Srilankan refugee and he tried to get fake passport for leaving India and to go to his native country. Hence the case has been registered against the petitioner for offences under Sections 120 (b), 420, 465, 468, 471 of IPC and 3, 12 (1A) (a) and 12 (2) of the Passport Act. The major offences are under Sections 420 and 468 IPC. The punishment prescribed for the offences under Section 420 and 468 IPC is imprisonment of either description for a term which may extend to seven years and fine. The petitioner is in custody for more than 67 days. But, so far charge sheet has not been filed. So, he is entitled to get default bail as per the provisions of Section 167 (2) (a)(ii) of Cr.P.C. Hence, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a]the petitioner is 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Rameswaram.

[b]the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

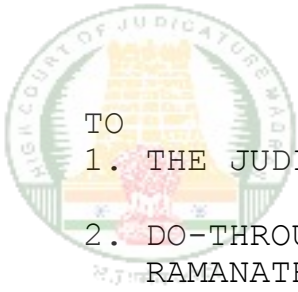
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, RAMESWARAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT PRISON,
RAMANATHAPURAM
 4. THE INSPECTOR OF POLICE, Q BRANCH CID,
RAMANATHAPURAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.SENTHIL KUMAR Advocate SR.No.11845

ORDER

IN

CRL OP(MD) No.9886 of 2019

Date :17/07/2019

MS/VR/SAR-1/17.07.2019/3P.7C