

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5780 of 2020

BALAJI

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU REP. [RESPONDENT]

BY, THE ASSISTANT COMMISSIONER OF POLICE,

CHIT AND KANDHUVATTI, FPP TEAM, CENTRAL

CRIME BRANCH, VEPERY, CHENNAI-600 007.

(CR. NO. 343/2019)

For Petitioner : M/S. C.RAMESH Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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 offences punishable under Sections 12(1-A) (a) of Passport Act 1967 r/w 420 of IPC, in Crime No.343 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had attempted to obtain a passport suppressing the fact that he is an American Green Card Holder. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was a Green card holder and he has returned to India during the year 2008 and he applied for passport through agent and the agent has not given proper instructions to him.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking into consideration of the facts and circumstances of the case, 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 on which the order copy is made ready, before the learned Metropolitan Magistrate for CCB cases, Egmore, Chennai, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhaar 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].

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

-sd/-

13/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE
FO CCB CASES, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

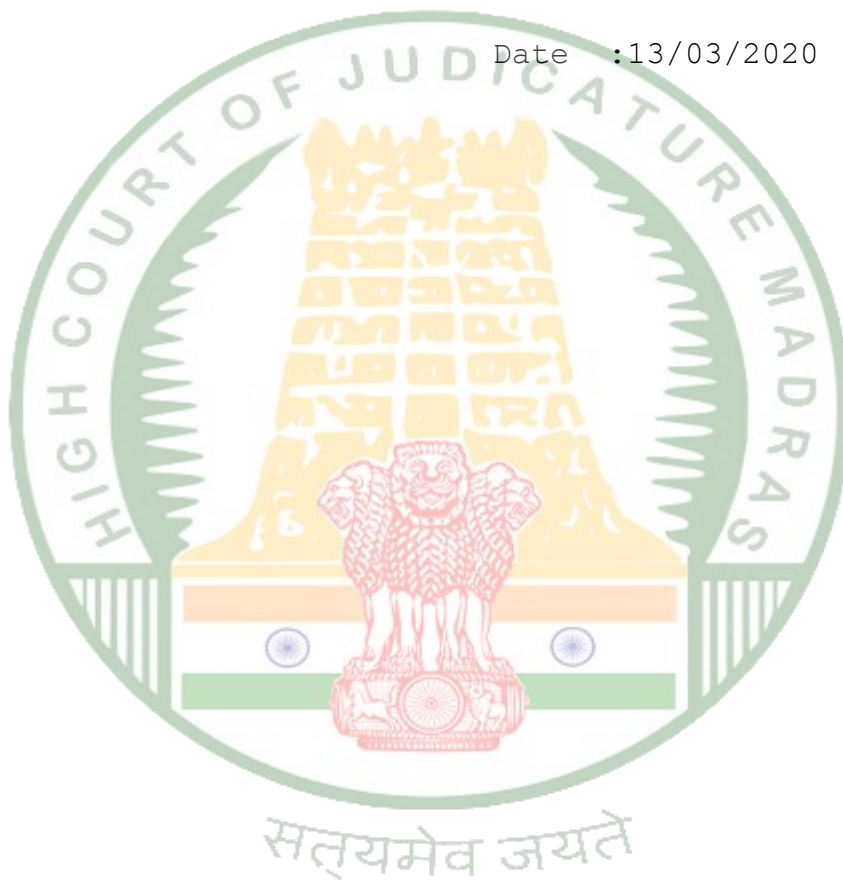
4 THE ASSISTANT COMMISSIONER OF POLICE,
CHIT AND KANDHUVATTI, FPP TEAM, CENTRAL
CRIME BRANCH, VEPERY, CHENNAI-600 007.

CC to M/S. C.RAMESH Advocate on payment of necessary charges
sr.4980

CRL OP.5780/2020

Date :13/03/2020

RVR 24/03/2020



WEB COPY