

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5852 of 2020

VELLAISAMY

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

INSPECTOR OF POLICE

E4 ABRIRAMAPURAM POLICE STATION,
CHENNAI.

(CR.NO.195 OF 2020)

[RESPONDENT]

For Petitioner : M/S. A.DAMODARAN Advocate

For Respondent : M/S. 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 465 and 468 IPC in Crime No.195 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner attempted to obtain German Visa by submitting fabricated documents. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner approached travel agency for obtaining visa and without his knowledge the documents were submitted by the travel agent. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submit that on the complaint given by Visa Officials of German Government the case has been registered. The petitioner by furnishing fabricated documents attempted to obtain German visa. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and submission made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to following 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 made ready, before the learned XXIII Metropolitan Magistrate, Saidapet, 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 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].

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

-sd/-

17/03/2020

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
NO.XXIII, SAIDAPET, CHENNAI.

<https://hcservices.ecourts.gov.in/hcservices/>
2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

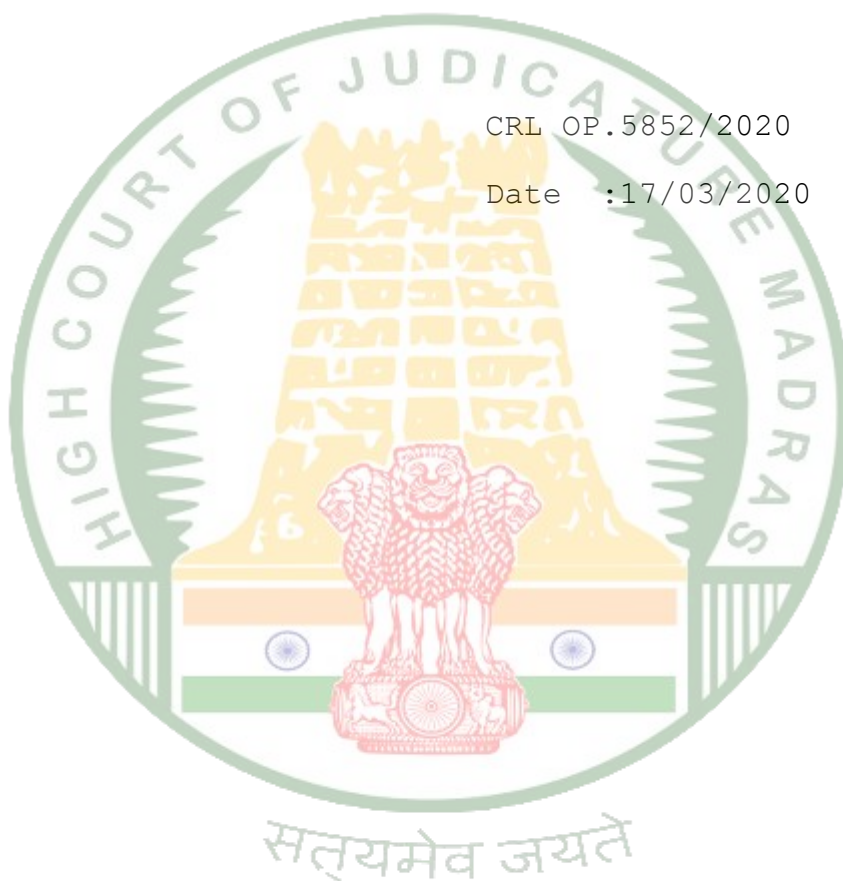
4 THE INSPECTOR OF POLICE,
E4 ABIRAMPURAM POLICE STATION,
CHENNAI.

+1 CC to M/S. A.DAMODARAN Advocate on payment of necessary charges
SR.No.5274

CRL OP.5852/2020

Date :17/03/2020

cs 12/05/2020



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