

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 9259 of 2020

Ramesh
S/o. Thangarasu
No.6, South Street,
Kootampalli,
Perur,
Srimushnam Taluk,
Cuddalore District.

... Petitioner/Single Accused

State Rep. by
The Sub-Inspector of Police,
Sozhatharam Police Station,
Cuddalore District.
Cr. No.221 of 2016

Vs.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
connection with Crime No.221 of 2016 pending investigation on the file
of the respondent police.

For Petitioner	: Mr.G.Pugazhenth
For Respondent	: Mr.M.Mohamed Riyaz, Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420 of IPC and 12(1)(d) of Passport Act 1967, in Crime No.221 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had applied for passport and submitted application along with VIII standard Transfer Certificate. At the time of document verification, concerned officials found that the document i.e., VIII Standard Transfer Certificate produced by the petitioner is a fabricated one and rejected the application submitted by the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner did not submit any fabricated document for the purpose of obtaining passport and he produced his VIII standard Transfer Certificate. He would further submit that the petitioner is an innocent

person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner applied for passport along with the forged document and at the time of verification it was found that the said document was as fabricated one. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and taking note of the fact that the petitioner's application itself was rejected, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

WEB COPY

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

District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District, 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 for a period of four weeks and thereafter as and when required for interrogation. सत्यमेव जयते

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

24.06.2020

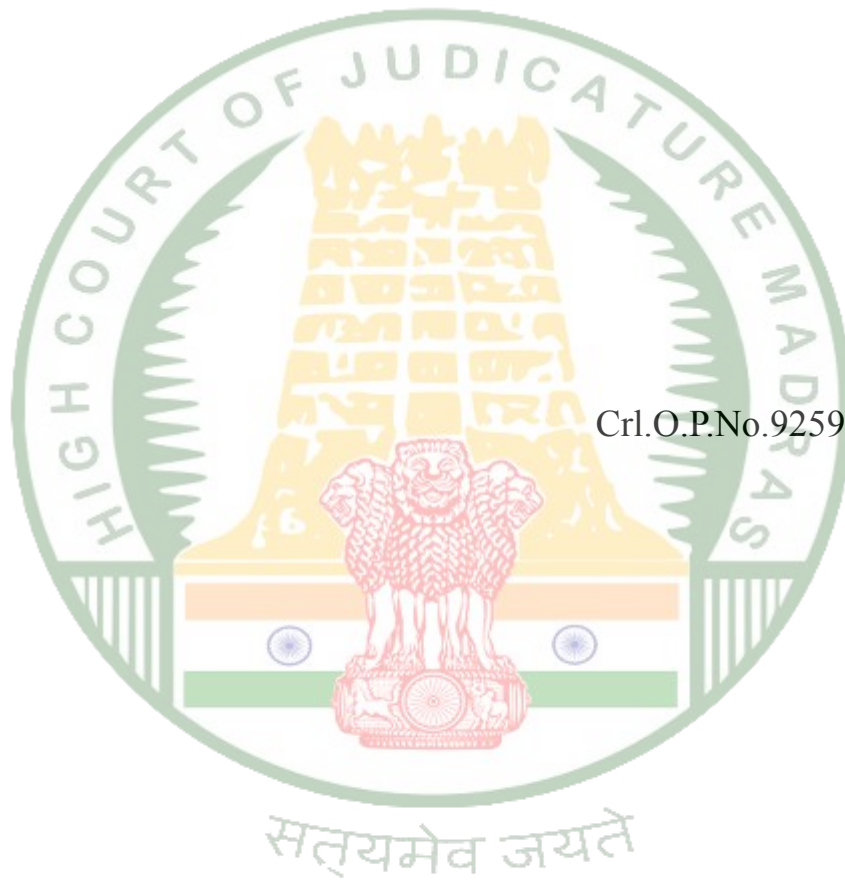
Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
dh

To

1. The District Munsif cum Judicial Magistrate,
Kattumannarkoil, Cuddalore District
2. The Sub-Inspector of Police,
Sozhatharam Police Station,
Cuddalore District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J

dh



Crl.O.P.No.9259 of 2020

WEB COPY 24.06.2020