

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16683 of 2020

Sharmila

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Central Crime Branch,
Vepery, Egmore,
Chennai.
(Crime No.346 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest in Crime No.346 of 2019, pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under **Sections 12(1)(b) of Passport Act and 420 IPC, in Crime No.346 of 2019**, on the file of the respondent police, seeks anticipatory bail.

2.When the matter is taken up for hearing, the learned counsel for the petitioner submitted that this Court had granted anticipatory bail to the petitioner in Crl.O.P.No.5617 of 2020 dated 13.03.2020 with some conditions, due to pandemic situation the petitioner is unable to produce the surites within the stipulated periods. Thereby, the earlier petition was lapsed.

3.The case of the prosecution is that the defacto complainant is working in the regional passport office, Chennai. During the time of renewal of Passport, the petitioner had produced a duplicate mark sheet. Based on which, the defacto complainant filed a complaint.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor would submit that the petitioner furnished a duplicate mark sheet at the time of renewal of Passport. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions. 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 Special Court for CCB & CBCID 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 11.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

[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/-
28/10/2020

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 SPECIAL COURT FOR CCB, CBCID CASES,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
VEPERY, EGMORE,
CHENNAI.

+1 CC to M/S.R.VIVEKANANTHAN Advocate on payment of necessary charges SR.NO.7145

CRL OP.16683/2020

Date :28/10/2020

TA-18/11/2020

सत्यमेव जयते

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