

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 17119 of 2020

A.Jeevith

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch,
Chennai District.
[Crime No. 270 of 2019]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No. 270 of 2019, on the file of the respondent police.

For Petitioner : Mr.N.Manokaran

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 12(1-A)(a) of Passports Act, 1967 and Section 420 of IPC, in Crime No. 270 of 2019, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant/ Regional Passport Officer, Chennai, is that the petitioner is a Srilankan, by suppressing the fact that he is a Srilankan, had applied for Indian Passport. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is a Srilankan and after the death of his father, he travelled to India along with his widowed mother and brother in the year 2009 with proper visa and he continued his studies in India. He would submit that the petitioner, his mother and brother have also registered themselves before the R6 Kumaran Nagar Police Station, Chennai 83 as they are residing at No.11/2, Srinivasa Iyankar 1st Street, West Mambalm, Chennai -33. He would submit that the petitioner had also completed his B.E., in KINGS Engineering College, Sriperumbudur and he was issued Provisional Certificate for B.Tech. He would submit that since the petitioner and his family members are in Chennai for the past 11 years, he on the bona fide

impression, applied for Indian Passport and even before the passport could be issued, a case has been registered against him as if he has furnished false information in the application. He would submit that the petitioner had come to India only through legal means by the passport issued by the Sri Lanka Government, which had expired on 31.03.2019. He would submit that the petitioner has also appeared for enquiry before the respondent police and he has not absconded. He would reiterate and submit that only on bona fide impression, the petitioner had applied for Indian Passport. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had applied for Indian Passport by suppressing the fact that he is a Srilankan. Hence, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration of the facts and circumstances of the case, submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the Special Court, CCB/CBCID, Egmore, on condition that the petitioner shall execute a separate 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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.

7 With the above directions, this Criminal Original Petition is ordered.

-sd/-

02/11/2020

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
CCB/CBCID, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CHENNAI DISTRICT,

CC to M/S. N.MANOKARAN Advocate on payment of necessary charges
Sr.7189

CRL OP.17119/2020

Date :02/11/2020

RVR 19/11/2020

WEB COPY