

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17218 of 2020

Anoshini

... Petitioner

Vs.

The State represened by
The Inspector of Police
Central Crime Branch, (CCB-1) 2nd floor,
Commissioner Office Campus,
Veppery, Chennai 600 007.
(Cr. No.269 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant bail to the petitioner in the even of her arrest in Crime No.269 of 2019 on the file of the Central Crime Branch, (CCB-1), Veppery, Chennai.

For Petitioner : Mr.P.Pugalenthir

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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 12(A)(a) of Passport Act 1967 and Section 420 IPC, in Crime No.269 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sushma/the Deputy Pass port Officer is that the petitioner who is a Sri Lankan Citizen suppressing information about her nationality had applied for Indian Passport. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that her parents are Sri Lankan Citizen and she was born in India on 25.04.1986. The petitioner approached the travel agent to obtain Sri Lankan Passport, whereas she was mis-guided and she applied for Indian Passport. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a Sri Lankan Citizen who has applied for Indian Passport furnishing false particulars suppressing her nationality. However, before issuance of passport, the defacto complainant came to know about the false information and

the case has been registered. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts of this case and the submissions made by the counsels and the fact that, this Court is inclined to grant anticipatory bail to the petitioner.

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate court, Alandur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, every Monday at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

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

-sd/-

03/11/2020

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 JUDICIAL MAGISTRATE COURT,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH (CCB-1) 2ND FLOOR,
COMMISSIONER OFFICE CAMPUS,
VEPPERY, CHENNAI-600 007.

CC to M/S.P.PUGALENTHI Advocate on payment of necessary charges
Sr.7482

CRL OP.17218/2020

Date :03/11/2020

RVR 19/11/2020



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