

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5922 of 2021

S.VIJAYAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
THIMMAPET POLICE STATION,
VELLORE DISTRICT.
CRIME NO.133 OF 2016.

For Petitioner : M/S. N.SAKTHIVEL Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

ORDER

The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 465, 471 & 420 of IPC 1860 and Section 12(1)(a) of Passport Act, 1967, in Crime No.133 of 2016, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had applied for Passport and given a false birth certificate. Based on the complaint given by the Thasildhar, the crime has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner had applied for passport through travel agent. While applying for passport, the travel agent has given a wrong birth certificate, which does not belongs to the petitioner. Based on that, an enquiry was conducted and crime has been registered. He would further submit that all the ID proofs and school certificate and date of birth certificate is correct. He would further submit that there is no previous case

pending as against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that based on the complaint given by the Thasildhar, the crime has been registered. He would further submit that with malafide intention the petitioner has given a wrong date of birth certificate. He would further submit that there is no previous case pending as against the petitioner.

5. Considering the facts and circumstances of the case that there is no previous case pending as against the petitioner and it is stated that by mistake the travel agent said to have given a wrong birth certificate, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Vaniyambadi, 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 conditions 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 appear before the respondent police 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.

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

-sd/-
25/03/2021

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,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
THIMMAPET POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S. N.SAKTHIVEL Advocate on payment of necessary
charges SR.NO.4148

CRL OP.5922/2021

Date :25/03/2021

TA-09/04/2021

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