



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.11258 of 2021

Amudha Dalphini

... Petitioner

Vs.

The State Rep. by
The Assistant Commissioner of Police,
CCB-1,
Vepery, Chennai-600 007.
(Crime No.58 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.58 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.S.Prakash

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Section 12(1)(b) of Passport Act 1967 and 420 of IPC in Cr.No.58 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has applied renewal of passport and for correction in her date of birth. For which, the petitioner enclosed a birth certificate with registration No.136/75 dated 29.05.1975 issued by the Registrar of Birth and Death, Tirunelveli City Municipal Corporation as proof of her date of birth. The issuing authority was suspected the genuineness of the certificate and later, they found that the certificate was not genuine. Based on the complaint lodged by the Regional Passport officer, the respondent police has registered a case against the petitioner.



3. The learned counsel appearing for the petitioner submitted that the petitioner has given the order in OS.2296 of 2021 dated 10.12.2013 by the City Civil Court, Chennai for correcting the date of birth in the Passport. She has not committed any offence as alleged by the prosecution. Hence he prays for grant anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that after expiry of passport, the petitioner has submitted a fake birth certificate for renewal and for correction of date of birth.

5. Taking into consideration the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Metropolitan Magistrate, CCB and CBCID Case (Metro Case) Chennai, within a period of four weeks from the date of receipt of a copy of this order and on further condition that:

(a) 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. and thereafter, 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
01/07/2021

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 METROPOLITAN MAGISTRATE
CCB AND CBCID CASE (METRO CASE),
CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE ASSISTANT COMMISSIONER OF POLICE,
CCB-1, VEPERY,
CHENNAI - 600 007.

CC to M/S.S.PRAKASH Advocate on payment of necessary charges

CRL OP.11258/2021

Date :01/07/2021

cs 22/07/2021