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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12139 of 2021

Thamizhchelvam

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Vettaikaran Iruppu Police Station,
Vettaikaran Iruppu,
Vedaranyam Taluk,
Nagapattinam District.
(Crime No.229 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.229 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.R.Muruga Bharathi

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Section 468, 471 of IPC read with Section 12(1)(b) of Passport Act 1967 in Cr.No.229 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has applied renewal of passport. For which, the petitioner enclosed a birth certificate. 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 he has not committed any offence as alleged by the prosecution and on the false information, the case has been registered against the petitioner. Hence he prays for grant of 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.

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5. Taking into consideration the facts and circumstances of the case, I am inclined to grant 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 District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District, 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. 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]; and;



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

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-sd/-
14/07/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDARNYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VETTAIKARAN IRUPPU POLICE STATION,
VETTAIKARAN IRUPPU,
VEDARANYAM TALUK,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.MURUGA BHARATHI Advocate on payment of necessary charges S.R. NO. 7417

CRL OP.12139/2021

Date :14/07/2021

JPA 27/07/2021