



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Second day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15275 of 2021

JAYASARAH JAYACHANDRAN @
SARAH DEVY MARIE MADELINE

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
ASSISTANT COMMISSIONER OF POLICE,
CCB-1, VEPERY, CHENNAI - 600 007.
(REF. CRIME NO.342 OF 2019)

[RESPONDENT]

For Petitioner : M/S.S.PRAKASH Advocate

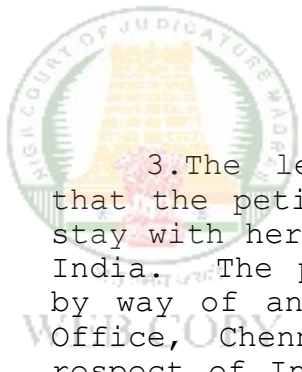
For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under section 12(1) (b) of the Passport Act, 1967 and Section 420 of I.P.C in Cr.No.342 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is a seventy eight years old lady, who being an Indian national had acquired French Nationality vide Certificate No.498/94 dated 17.03.1994. Thereafter the petitioner had applied for fresh Indian Passport with Regional Passport Office, Chennai and obtained the same, suppressing the fact that she had already acquired French nationality. When the above fact came to be revealed, the petitioner applied for the surrender of Indian Passport. Hence the Passport authorities registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submitted that the petitioner is a seventy eight years old lady who wanted to stay with her son in France as there is no one to take care of her in India. The petitioner had applied for surrender of Indian passport by way of an application dated 15.04.2019 in the Regional Passport Office, Chennai requesting issuance of surrender certificate in respect of Indian Passport and the same was also acknowledged by the Regional Passport Office. Hence prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and further considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Metropolitan Magistrate Court, CCB & CBCID Case, (Metro Cases), Chennai, on condition that the petitioners 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;

(g)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]; and;

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

-sd/-
02/09/2021

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 COURT,
CCB & CBCID CASE, (METRO CASES),
CHENNAI.

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

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.S.PRAKASH Advocate on payment of necessary charges
SR.NO.9539

CRL OP.15275/2021

Date :02/09/2021

JPA 24/09/2021