



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11.11.2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.16807 of 2021

WEB COPY

Syed Hakkim

... Petitioner/ Sole Accused

Vs.

The State rep. By,
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.267 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Kabilan

for Mr.M.S.Jeyakarthik

For Respondent : Mr.RMS.Sethuraman,

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.267 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

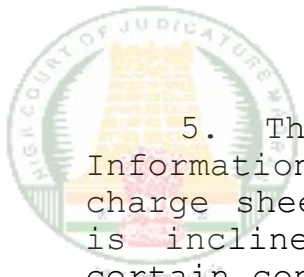
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 465 and 240 of IPC and Section 12(1)(b) of Passport Act, 1967 in Crime No.267 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner obtained passport in the year 1994. Thereafter, in the year 2002, he obtained another passport and by using the second passport, he went to Malasiya and worked there. Subsequently, he applied for renewal of his second passport. At that time, it came to be known that the petitioner has two passports and the second passport was obtained by stating that his father's name is Mohammed Ibrahim. But, the petitioner's father's name is Syed Ibrahim. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4. Heard the learned Additional Public Prosecutor for the respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>



5. The occurrence took place in the year 2002. First Information Report was registered only in the year 2021. Till date, charge sheet is also not filed. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram and on him executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned 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 Aadhaar cards or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days;

(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;

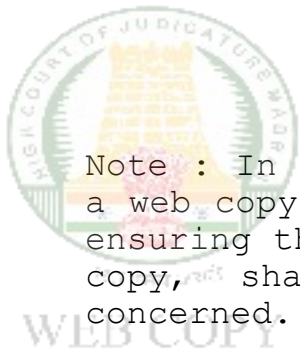
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and

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

sd/-
11/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.1,
RAMANATHAPURAM.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. JEYAKARTHIK.M.S Advocate SR.No.7971

ORDER
IN
CRL OP(MD) No.16807 of 2021
Date :11/11/2021

RK/VR/SAR-I (16/11/2021) 3P 6C