



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2385 of 2022

K.Bremavady

... Petitioner

Versus

The State represented by
The Inspector of Police,
Fake Passport Team - 32,
CCB - 1, Chennai.
(Crime No.15 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of her arrest in CCB Crime No.15 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.V.Chandru

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 12(1A)(a) and 12(1)(b) of the Passports Act, 1967 in Crime No.15 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is aged about 63 years. She was implicated in this case under Sections 12(1A)(a) and 12(1)(b) of the Passports Act, 1967. She got married to one Krishnaraj in the year 1980 and has begotten two children and she was residing at Pondicherry until her marriage and thereafter she lived along with her husband in Cuddalore and she now at Chennai. She applied for the Passport through agent along with available documents and passport was issued and the validity of which was from 20.09.2010 to 19.09.2020 and that she had travelled abroad only 4



times. Now her passport was expired on 19.09.2020. She was advised by her children, she came to know that she giving French Nationality. However, the Indian Passport was obtained by her through agent with the bonafide belief that she was an Indian as no evil designs. She had applied online for surrender of her Indian Passport with the Government of India, Ministry of External Affairs on 09.12.2021 itself and had been to Regional Passport Office to physically surrender the same on 10.12.2021. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was aged about 63 years, she herself surrender Indian Passport to the officials. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned CCB Court, Chennai, 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 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 as and when requires for interrogation and the petitioner shall co-operate for investigation and the petitioner shall appear before the authorities by submitting all the documents, failing which this order will be cancelled automatically;

(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.

-sd/-

03/02/2022

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 CCB COURT,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
FAKE PASSPORT TEAM-32,
CCB-1, CHENNAI.

+1 CC to M/S.E.V.CHANDRU Advocate on payment of necessary charges SR.NO.1853

CRL OP.2385/2022

Date :03/02/2022

RW 09/02/2022