



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2941 of 2022

K.S.T.M.SULTAN SYED IBRAHIM

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH (CCB-1),
COMMISSIONER OFFICE BUILDING,
VEPERY, CHENNAI-600 007.
CRIME NO.348 OF 2020

[RESPONDENT]

For Petitioner : M/S.M.J.JASEEM MOHAMED Advocate

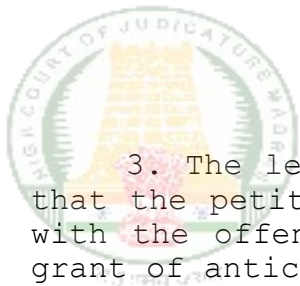
For Respondent : MR.S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under section 12(1)(b) of the Passports Act, r/w.420 of the Indian Penal Code in Crime No.348 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had applied for renewal of Passport on 04.07.2018 before the Regional Passport Officer/defacto complainant, Chennai. On verification of records, it was found that the petitioner was holding another set of passports with the name SULTHAN SYED IBRAHIM MOHAMED IQBAL. At the time of obtaining Passport No.A7550035 dated 24.03.1999, the petitioner had submitted a birth certificate with Reg.No.720/78 dated 26.09.1978 as proof of date of birth. A reference was made to the issuing authority for confirming the genuineness of the said Birth Certificate. The issuing authority has confirmed that the certificate is not a genuine one. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency for the above said crime.



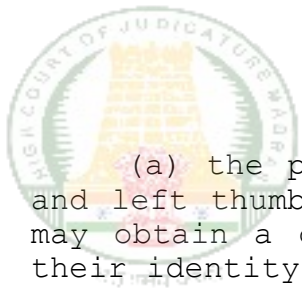
3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the petitioner has obtained a Passport by producing the false certificate and therefore, the offence committed by the petitioner is not an ordinary one. However, he admits that on 10.08.2019, the petitioner herein has sent a letter to the Regional Passport Officer, Chennai, wherein he honestly accepted the mistake found in the earlier passport, which stands in his name. However, he opposed for grant of anticipatory bail to the petitioner.

5. The submissions made by the learned counsels appearing on either side are considered. The respondent Police registered a case against this petitioner for the offence punishable under Section 12 (1) (b) of the Passports Act r/w.420 of I.P.C. The crux of the offence committed by the petitioner is that the petitioner by producing the fabricated Birth Certificate has obtained one Passport in Passport No.Z1742351. Later, during the relevant point of time, he submitted one another application for availing the new passport. In this regard, as already stated, on going through the letter dated 10.08.2019, it would appear that in the year, 2019 itself, the petitioner wanted to surrender the old passport, which has been issued based upon the fabricated document submitted by the agent of the petitioner. The said attitude of the petitioner shows that he is an honest person. However, the same has to be identified only during the time of trial. In other words, since all the evidences to be collected for completing the investigation are in the form of documents with the defacto complainant, the custodial interrogation may not be necessary for completing the investigation.

6. Hence, taking note of all the above said aspects into consideration and having regards to the nature of offence committed, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned CCB/CBI Special Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute 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 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) the petitioner and the sureties shall affix his 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;

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(b) the petitioner shall report before the respondent police daily at 10.00 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.

-sd/-
10/02/2022

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/CBI SPECIAL METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH (CCB-1),
COMMISSIONER OFFICE BUILDING,
VEPERY, CHENNAI-600 007.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.J.JASEEM MOHAMED Advocate on payment of necessary
charges SR.NO.2228

CRL OP.2941/2022

Date :10/02/2022

JPA 16/02/2022