



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11260 of 2022

BALASUBRAMANIAM @ RAJKUMAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH-II,
CHENNAI.
CRIME NO.224 OF 2018

[RESPONDENT]

For Petitioner : M/S.C.RAMU Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 12(1)(b), 12(2) of Passport Act, 1967 r/w Sections 420, 468 and 471 of I.P.C., in Crime No.224 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has fraudulently obtained Indian passport by representing fake date of birth and by using the said multiple fake passports travelled the foreign countries. 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. Hence, he pleads for anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the petitioner has previous case in Cr.No.50 of 2021 on the file of the Bial Police Station, Devanahalli, Bengaluru city, similar in nature. He further submits that the present case has been registered during the year 2018. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances and also considering the fact that for the past four years the respondent police failed to secure the petitioner and the investigation is still pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate-I, Alandur, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily twice at 10.30 a.m., and 5.30 p.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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

18/05/2022

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 JUDICIAL MAGISTRATE,
NO.I, ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH-II,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.RAMU Advocate on payment of necessary charges
SR.NO. 7154

CRL OP.11260/2022

Date :18/05/2022

RW-23/05/2022