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CrI.O.P.No.17359 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 12(1A(a), 12(1)(b) and 12(2) of the Passport Act, 1967 and Sections 420, 468 and 471 IPC in Crime No.1 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and along other accused persons fabricated forged documents in order to get fake Indian passports and issued the same to the first accused. During enquiry, it was found by the Immigration Officer, Chennai Air Port. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner referred a travel agency for helping purpose only and he has been falsely implicated as an accused. Hence, he prays anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that the petitioner and other accused acted as agent, mediator and created fake documents to get Indian passports for their clients. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are three accused in this case in which, the petitioner is arrayed as third accused. Even according to the case of the prosecution is that the petitioner who introduced the first accused/ Srilankan Nationality to the second accused and the second accused fabricated fake passport and issued to the first accused. Therefore, the petitioner is only an introducer and his custodial interrogation does not require in this case.

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

7. Accordingly, the petitioner is ordered to be released on bail in



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the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-1, Alanthur, 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 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 at 10.30 a.m. and 5.30 p.m for a period of four weeks and thereafter as and when required for interrogation.

[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



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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.

25.07.2022

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