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Crl.O.P.No.21523 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21523 of 2022

J.Mariya Selvam

... Petitioner

Vs.

The State represented by,
The Deputy Commissioner of Police,
CCB-I, Vepery,
Chennai.
Crime No.164 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.164
of 2022 pending on the file of the respondent Police.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.07.2022 for the offences punishable under Sections 12(1-A)(a) and 12(1)(b) of Passport Act, 1967 and Sections 420, 468 and 471 of IPC, in Crime No.164 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is a Sri Lankan National, by furnishing false information, had obtained the Indian passport. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given as against the petitioner. He would also submit that the petitioner is a Sri Lankan National and she came to India during the year 1983 and during the year 2012, she married an Indian Citizen and thereafter, she has been continuously living in India. He would further submit that she is a business woman and she is also assessed to Income Tax. However, based on certain



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applications filed by her, some agents have applied for passport for her without her knowledge and that when she had applied for Indian Citizenship, it came to light. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed on her by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, who is a Sri Lankan National, by suppressing and giving false information, has obtained the Indian Passport against the Passport Rules. He would also submit that the petitioner has got another case for the offence punishable under Section 420 of IPC registered by G2, Periyamedu Police Station in Crime No.118 of 2022. Therefore, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, in reply, the learned counsel appearing for the petitioner would submit that the petitioner has been granted anticipatory bail in the other case. He would also submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He would



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further submit that the Sri Lankan Passport as well as the Indian Passport have also been recovered by the respondent police and there is no possibility of the petitioner fleeing away from justice.

6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on her 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 Central Crime Branch Metropolitan Magistrate, Egmore, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA., J.

rgi

To

1. The Central Crime Branch Metropolitan Magistrate,
Egmore, Chennai.
2. The Deputy Commissioner of Police,
CCB-I, Vepery,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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