

CrI.O.P.No.30772 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 468,417 and 34 of IPC in Cr.No.134 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is married and having two children and the second petitioner is the brother-in-law of the first petitioner and both the petitioners are working under the defacto complainant. The defacto complainant and his children are having french citizenship and knowing this the first petitioner attempted to create fraudulent records that his children belongs to the defacto complainant for obtaining french citizenship. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is a innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first petitioner indulged in a act of creating fraudulent records for obtaining french citizenship to his children and the second petitioner assisted him. Hence, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and the submissions, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on anticipatory 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 **Judicial Magistrate-III, Puducherry** 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 and on further condition that:

(a)the petitioners and the sureties shall affix their 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;



(b)the petitioners shall report before the respondent police everyday at 10:30 for a period of six weeks and thereafter every Wednesday at 10.30 a.m. for a period of four weeks until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 anticipatory 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.

20.12.2022

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