



Crl.O.P.No.9288 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9288 of 2023

Ezekiel Nwogbo

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Forgery Wing Team -32,
Central Crime Branch,
Egmore, Chennai.

(Crime No.59 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.59 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.Selvam

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 17.03.2023, for the offences punishable under Section 12(1A)(b) of Passport Act, 1967 r/w Section 14 of Foreigners Act, 1946 r/w Sections 420, 468, 471 of IPC, in Crime No.59 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Anand Bose, Immigration Officer, Bureau of Immigration, O/o. The Foreigners Regional Registration Office, Shastri Bhavan is that the petitioner, who is a Nigerian National, has arrived in India on medical VISA and by fabricating the document, he has converted his medical VISA as student VISA and later, by producing fabricated and fake documents, he attempted to extend the VISA for staying in India. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is a Nigerian National, has come to India on medical VISA and during his stay in India, he got acquainted with one Coral Catherian



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Kanagaraj, who is an Indian National and he got married with her on 18.09.2019 at Chennai and the marriage has also been registered at the Office of the District Registrar, Periamet, Chennai. He further submitted that the petitioner has got two children out of the wedlock and the second female child has born very recently on 21.04.2023. He further submitted that the petitioner has also applied for Indian citizenship and the same is pending. Meanwhile, the petitioner had approached the Immigration consultant for extension of VISA and he has filed some documents without the knowledge of the fabrication and the petitioner is an innocent. He also submitted that the petitioner has got roots in India and the petitioner is ready to abide by any stringent condition. He also submitted that the wife of the petitioner and family members of his wife are ready to stand as surety to him and the petitioner is in judicial custody from 17.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that the petitioner being a Nigerian National, had come to India on a medical VISA and later, by fabricating the document, he has got student VISA and while staying in India, he has married an Indian citizen



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and thereafter, to extend his VISA, he has furnished fabricated documents.

He further submitted that the investigation is still pending and the Authorities are initiating steps to deport him. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the petitioner has married an Indian citizen and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** (out of which, one surety should be either wife or relative of the wife of the petitioner) each for a like sum to the



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satisfaction of the **learned Metropolitan Magistrate for exclusive trial of CCB and CBCID cases, Egmore** and on further conditions that:

[a] 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 stay at Tirupur and report before the Inspector of Police, Tirupur Town Police Station, on every Monday to Friday at 10.30 a.m., and also report before the respondent Police on every Saturday 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];***



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

26.04.2023

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To

1. The Metropolitan Magistrate for exclusive
trial of CCB and CBCID cases, Egmore.
2. The Inspector of Police,
Forgery Wing Team -32,
Central Crime Branch,
Egmore, Chennai.
3. The Inspector of Police,
Tirupur Town Police Station,
Tirupur.
4. The Central Prison,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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