



Crl.O.P.No.13141 of 2023

Crl.O.P.No.13141 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offences punishable under Sections 420, 465, 471 of IPC and 12(3) of Passport Act, in Crime No. 302 of 2016, seeks anticipatory bail.

2. The case of the prosecution that the petitioner had attempted to obtain passport by furnishing fake birth certificate. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that she has applied for passport through one agent and the agent without the knowledge of the petitioner had furnished the document as proof of age. The petitioner has also obtained an order from jurisdictional Magistrate on 22.07.2013 to obtain birth certificate. Thereby, he seeks grant of anticipatory bail to the petitioner.



Crl.O.P.No.13141 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner furnished fake birth certificate in order to get passport. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, 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 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 No.III, Tirupattur** 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



Crl.O.P.No.13141 of 2023

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/trial Court 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am., 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] Breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with



Crl.O.P.No.13141 of 2023

law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court, 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 petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, the Criminal Original Petition is ordered.

15.06.2023

mfa



WEB COPY



Crl.O.P.No.13141 of 2023

A.D.JAGADISH CHANDIRA, J.

mfa

Crl.O.P.No.13141 of 2023

15.06.2023