



Crl.O.P.No.27181 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

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THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.27181 of 2023

Mr.James Osebhhlen ...Petitioner / Applicant/Accused

Vs.

The Sate rep. by
The Inspector of Police
CCD-II Police Station
Tiruppur District
Crime No. 17 of 2022.

... Respondent /Respondent/Complainant

PRAYER:Criminal Original Petition is filed under Section 439(1)(b) of Cr.P.C. praying to set aside the order dated 17.10.2023 in Criminal Miscellaneous Petition No. 2326 of 2023, modify the condition No.2 “that the prison authority directed that accused handed over to Government Recognised Camp/authorities to receive the custody of applicant” in Crl.M.P.No. 10543 of 2023 and release the applicant on regular bail in connection with the offence registered as Crime No. 17 of 2022 with concerned-II, Tiruppur District.



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For Petitioner : Mr. Mehul A Surti

For Respondent : Mr. R.Vinoth Raja
Government Advocate, (Crl. Side)

ORDER

The petition has been filed seeking modification of the order dated 17.10.2023 in Crl.M.P.No. 2623 of 2023.

2. The petitioner is an accused in Cr.No. 17 of 2022 registered under Sections 66D IT Act, 420, 120B IPC, 14(a), 14(b), 14A(b) Foreigners Act. The petitioner had been secured and had been remanded to judicial custody on 22.04.2023. However, the investigating agency had not filed their final report and therefore, the learned Judicial Magistrate No.III holding full additional charge of Judicial Magistrate No.IV, Tiruppur, had granted bail to the petitioner under Section 167(2) Cr.P.C., by order dated 25.07.2023. In the order, one of the conditions was as follows:-



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“2. That the prison authority directed that the accused handed over to the Government recognised camp/authorities to receive the custody.”

3. Seeking modification of this particular order, the present Petition has been apparently filed. However, the relief is actually sought against another order dated 17.10.2023. But let me not hold that fact against the petitioner herein.

4. The learned counsel for the petitioner places reliance on an order of the Foreigners Regional Registration Office, Bureau of Immigration, Government of India, wherein it had been stated that foreign nationals can be directed to be present in person in the office of the Foreigners Regional Registration Office, Bengaluru on alternate Mondays of every month.



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5. The learned counsel also relied on an order of the High Court at New Delhi dated 26.05.2023 in W.P.(Crl) No. 550 of 2022 wherein also a similar condition had been imposed that the petitioner therein can be directed to appear before the Foreigners Regional Registration Office Division Centre.

6. These orders could be very well followed by this Court and similar order could be passed but for one fact, namely that the petitioner under the name Lawrence @ Doctor @ Dock Okosun Wood, in an order in Crl.Misc. Appl. No. 6852 of 2019 dated 09.04.2019 had obtained bail in Cr.Nos. 1-2 of 2018 registered under Sections 406, 420, 465, 467, 468, 471 and 120(b) of IPC, Section 66(c) and 66(d) of the IT Act and Section 14(b) of the Foreigners Act. The High Court of Gujarat had granted bail to the petitioner herein.

7. It is the very specific case of the respondent herein that after obtaining bail, the petitioner fled away from the country and re-enter the country by changing his name and obtaining a passport in the name in



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which he is now arrayed as accused, namely, James Osebhoien.

However, the finger prints matched and the respondent was able to identify that this petitioner, who is before this Court, is the petitioner, who had obtained bail before the High Court of Gujarat in a different name and had thereafter, fled away from the country. The petitioner's bona fide are extremely suspect. In view of that antecedent, I do not find any reason to interfere with the order complained of. Accordingly, this Criminal Original Petition stands dismissed.

Vsg

12.12.2023

To

1. The Inspector of Police
CCD-II Police Station
Tiruppur District
2. The Public Prosecutor,
High Court, Madras.



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C.V.KARTHIKEYAN, J.

vsg

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