



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03.01.2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22779 of 2022

Mohamed Faizal Rahman

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Airport Police Station,
Trichy City.
(Crime No. 863 of 2022).

... Respondent/Complainant

For Petitioner	: Mr.S.M.A.Jinnah, Advocate
For Respondent	: Mr.T.Senthilkumar, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

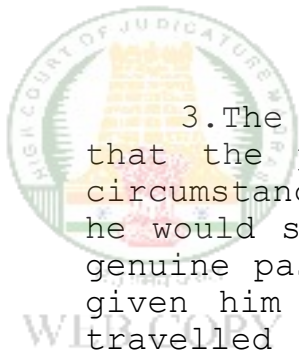
PRAYER :-

For Bail in Crime No. 863 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 14.11.2022 for the offence punishable under Sections 467, 468 and 471 of IPC and 12(1)(b) of Passport Act in Crime No.863 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, Babu Selvaraj, Immigration Officer, Trichy International Airport, is that on 11.11.2022, the petitioner arrived from Australia via Singapore through Flight No.TR-566 and on scrutiny of documents and questioning, it was found that the petitioner, who being an Indian, had travelled to Australia on a fake Malaysian Passport and being found that he has travelled in a fake passport, he was deported by the Australian authorities by an emergency clearance certificate and hence, the complaint.



3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and he is only a victim of circumstances and the petitioner was earlier working at Malaysia and he would submit that the petitioner had travelled to Malaysia on a genuine passport and while he was working in Malaysia, an agent had given him a duplicate Malaysian passport, based on which, he had travelled to Australia, where, it was found that the passport was fake one and thereby, he was deported from Australia and while he returning back to India, he was detained at airport. He would further submit that the petitioner has not committed any offence in India and the only offence committed by him is before the Australian Government and he had come back to India based on the emergency clearance certificate issued by the Indian authorities. He would further submit that the petitioner is in judicial custody for a period of 57 days from 14.11.2022.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that on 11.11.2022, while the petitioner arriving at Trichy International Airport from Australia via Singapore through Flight No.TR-566, it was found that the petitioner, who being an Indian, had travelled to Australia on a fake Malaysian Passport and being found that he has travelled in a fake passport, he deported by the Australian authorities by an emergency clearance certificate and hence, he oppose to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned Counsel and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.VI, Trichy, and on further conditions that:

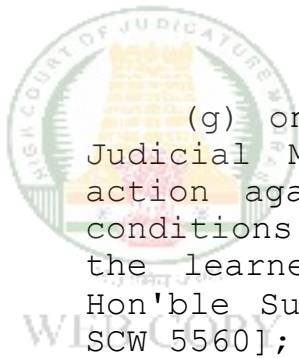
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness



(g) on breach of any of the aforesaid conditions, the Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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03/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

1. THE JUDICIAL MAGISTRATE NO.VI,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION, TRICHY CITY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.22779 of 2022

Date :03/01/2023

USK/SSS/SAR- /03.01.2023/3P/6C