



CRL OP(MD). No.23005 of 2023

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

Date : 20/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Packirisamy

... Petitioner / Sole Accused

Vs

The Inspector of Police,
Airport Police Station,
Trichy City,
(Crime No.1776/2023.)

... Respondent / Complainant

For Petitioner : M/s.Atham Ali.S, Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1776/2023 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 27.11.2023 for the alleged offences punishable under Sections 467,468 and 471 of



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IPC r/w. Section 12(1)(b) of Passport Act in Crime No.1776 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.11.2023 at about 23.10 hrs one Packrisamy holder of an Indian passport arrived from Malaysia to Trichy International Airport by Malindo Airlines Flight approached for arrival clearance and in the enquiry he agreed that he previously obtained Indian passport in the name of Asokan, S/o.Vadivel and hence he was caught by the Immigration Officer and on the basis of the report given by the Immigration Officer, Trichy International Airport, Trichy the case has been registered.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 27.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner obtained passport fraudulently in the name of Asokan, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact that no previous case is



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pending against the petitioner and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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, Tiruchirapalli and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on receipt of summons

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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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vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/12/2023

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20/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

- 1.The Judicial Magistrate No.VI,
Tiruchirapalli.
- 2.Do through the Chief Judicial Magistrate,
Tiruchirapalli District.
- 3.The Inspector of Police,
Airport Police Station,
Trichy City.
- 4.The Superintendent,
Central Prison, Tiruchirapalli.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :20/12/2023

ED/ /SAR- (15/12/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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