



Crl.O.P.No.5393 of 2024

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**T.V.THAMILSELVI, J.**

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The petitioners, who apprehend arrest for the alleged offence punishable under Sections 420, 468, 471 of I.P.C and Section 12(1)(b) and 12(1A)(a) of Passport Act and 14B of Foreigners Act in Crime No.317 of 2022, seek anticipatory bail.

2. The case of the prosecution is that petitioners herein were arrayed as A1 and A2 and one Jay Mandal/A3 approached the office of defacto complainant for visa service. While scrutiny of the documents, it is learnt that the said Jay Mandal was a Bangladeshi National and he arrived India illegally around 20 years ago with the help of petitioners herein. Hence, a case has been registered for the above said offences.

3. The learned counsel appearing for the petitioners submit that the petitioners are husband and wife and they are relatives of A3. He would submit that they have been residing in India for the past 40 years. He would also submit that they are innocent persons and they have not committed any offence as alleged in the charge sheet. He would submit that this is a second



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anticipatory bail application and the earlier application in Crl.O.P.No.20545 of 2023 was dismissed as withdrawn. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that more than 20 years, A3 is residing in India with the help of petitioners. He would also submit that they had illegally obtained Adhaar Card and Voter Id Card as if they are citizens of India. He also submitted that investigation has been completed and charge sheet has been filed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the



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**learned District Munsif cum Judicial Magistrate Court, Uthukottai on**

condition that the petitioners shall execute a separate 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 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 petitioners and 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 petitioners are directed to report before the respondent police on every Saturday at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation;**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**;

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

**12.04.2024**

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