



CRL OP(MD). No.2560 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Xavier @ John Xavier

... Petitioner/Petitioner / Accused No.4

Vs

State Rep.by
The Inspector of Police,
Cantonment Police Station,
Trichy City.
In Crime No.2186 of 2023.

... Respondent/Respondent / Complainant

For Petitioner : Mr.K.Durai Pandian,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2186 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody

on 02.12.2023 for the offences punishable under Sections 467, 468, 471, 420, 120B of

<https://www.mhc.tn.gov.in/judis>



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IPC and Section 12(1)(b) of Passport Act and Section 14 of Foreigners Act, 1946, in
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Crime No.2186 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 27.11.2023 the respondent Police was on his regular checkup in cottages, hotels nearby Central bus stand. At that time, in a hotel namely Gajapriya, the respondent Police traced a person, who is the first accused, in room No.305 and he confessed that he is a Srilankan citizen and one Seelan introduced the sixth accused namely Rajan. Rajan introduced the second accused namely Joyal Pugalenthil and the second accused introduced the third accused to obtain Indian Passport and they had given Aadhar Card to the first accused in the name of fifth accused Raman. He also confessed that as per the instruction of the second accused, he was staying in the hotel. While the respondent Police enquired the said Raman, he found that there is difference in passport and aadhar card. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. There is no serious allegation made against the petitioner. Even as per the First Information Report, it has been stated that as per the confession statement of the co-accused, this



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petitioner was implicated this case. He would further submit that the petitioner is in judicial custody for more than 60 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was involved in four previous cases, out of which, two cases were ended in conviction and he paid fine also, apart from these cases, one case is pending before Telungana Police, for creating bogus Visa and passport. Hence, he vehemently opposed to grant bail to the petitioner.

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

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-



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(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tiruchirappalli, and on further conditions that:

(a) 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 petitioner is directed to appear before the respondent police daily at 10.30 a.m., 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) 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]; and;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/02/2024

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16 /02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu
TO

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

+1 CC to M/s.K.DURAI PANDIAN, Advocate (SR-1997[I] dated 16/02/2024)



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ORDER
IN
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Date :16/02/2024

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