



Crl.O.P.No.8685 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8685 of 2025

P.Divakaran

...Petitioner/Accused 4

Vs.

State rep by
The Inspector of Police,
Q-Branch CID Police Station,
Chennai.

(Crime No.1 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.1 of 2025 on the file of the respondent police.

For Petitioners : Mr.P.Pugalenth

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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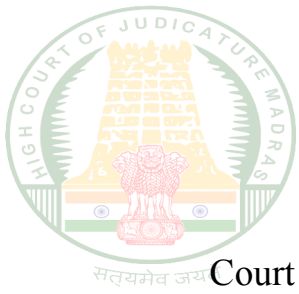
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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.02.2025, seeking bail in Crime No.1 of 2025 registered for the offence under Sections 336(2), 336(3), 340(2) of BNS and Section 12(1)(b), 12(1A)(b) of Passport Act, 1967 and Sections 14(a) and 14-A(b) of Foreigners Act, 1946.

2.It is the case of the prosecution that A3 had entered into India on a tourist Visa in November 2022 with an intention of obtaining Indian passport through an agent; that thereafter she had obtained the Indian passport by producing forged documents and thus committed the aforesaid offences; the allegation against the petitioner/A4, who is the car driver of A5, is that he along with the other accused had given accommodation to A3 and also involved in the alleged forgery.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that he is only a car driver of A5 and he has nothing to do with the alleged offence; that co-accused was granted bail by this



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Court in Crl.O.P.No.8685 of 2025 on 03.03.2025; and that in any case, considering the period of incarceration, his further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the passport obtained by the A3 by producing forged documents have been seized.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the nature of allegations against the petitioner that he is only a car driver, the period of incarceration and the fact that the passport illegally obtained has been seized, the similarly placed co-accused was granted bail by this Court in Crl.O.P.No.8685 of 2025, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:



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7. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **XVIII Metropolitan Magistrate Court, Saidapet, Chennai - 15**, and on further conditions that:

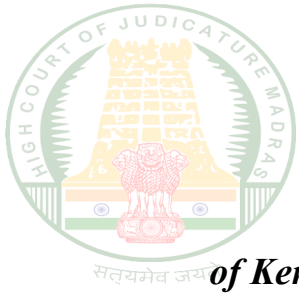
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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***



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of Kerala [(2005)AIR SCW 5560];
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[f] If the accused thereafter absconds, a fresh FIR can be registered
under Section 269 B.N.S.

02.04.2025

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Copy to:

1.The Inspector of Police,
Q-Branch CID Police Station,
Chennai.

2.The XVIII Metropolitan Magistrate Court, Saidapet, Chennai – 15.

3.Central Prison – 2, Puzhal, Chennai – 600 066.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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