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Crl.O.P.No.32204 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.32204 of 2025

Uttum Kumar

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Central Crime Branch-II,
Chennai.
(Crime No.204 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.204 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. S. Thiyagarajan

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.10.2025 for the offences punishable under Sections 21(1)(b), 12(1A)(a) of Passport Act r/w Sections 420, 468 and 471 of Indian Penal Code in Crime No.204 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner herein is a Bangladeshi National, who unlawfully entered India in the year 2015 and during his stay in India, he deliberately suppressed his nationality and obtained Aadhaar Card, PAN card, Voter ID card and Passport bearing No.S5337383 fraudulently; that on 19.10.2025, while the petitioner tried to depart to Abu Dhabi, the petitioner was secured and arrested. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution; that the petitioner has been remanded to judicial custody on 21.10.2025; that the petitioner entered India along with his family in the year 2009, well before



the cut-off date of 31st December, 2014 as stipulated under Section 65B of the Citizenship Act, 1955, which provides for grant of citizenship to persons belonging to minority communities from Bangladesh; that the petitioner has been residing continuously in India since 2009, he has obtained Aadhar card, Voter ID and PAN card from the competent Indian Authorities; and that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation, and prayed for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that the petitioner has no previous antecedents; and that the investigation is pending.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by



the learned counsels on either side, the petitioner is residing in India since 2015, the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. The Hon'ble Supreme Court in ***Criminal Appeal Nos. 2814-2815 of 2024 dated 06.01.2025***, held in paragraph nos.7 and 8 as follows:

7. All that can be done is that while releasing a foreigner on bail, the Court should direct the investigating agency or the State, as the case may be, to immediately inform the concerned Registration Officer appointed under Rule 3 of the Rules about the grant of bail so that the Registration Officer can bring the fact of the grant of bail to the notice of concerned Civil Authority.

8. In addition to what we held by judgment and order dated 08th July, 2024, we issue the following directions:

"(i) While granting bail to a foreigner within the meaning of the Act, the concerned court shall issue direction to the State or prosecuting agency, as the case may be, to immediately communicate the order granting bail to the concerned Registration officer appointed under Rule 3 of the Rules who, in turn, shall communicate the order to all concerned authorities including the Civil Authorities. If such information is furnished, it will enable the authorities under the Act, the Rules and the Order to take appropriate steps in accordance with the law; and



(ii) A copy of this order shall be forwarded to Registrar Generals of all the High Courts, who in turn will forward the copies of the order to all the criminal courts in the respective States."

8. Considering the aforesaid judgment of the Hon'ble Supreme Court, **there shall be a direction to the respondent police to inform to the concerned Registration Officer appointed under Rule 3 of the Registration of Foreigners Rules, 1992, about the grant of bail to the petitioner herein.**

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousands only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Alandur, Chennai** 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



Crl.O.P.No.32204 of 2025

Police everyday at 10:30 a.m., until further orders;

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[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 of Kerala [(2005)AIR SCW 5560]*;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

25.11.2025

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Crl.O.P.No.32204 of 2025

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate-I,
Alandur, Chennai.
2. The Inspector of Police,
Central Crime Branch-II,
Chennai.
(Crime No.204 of 2025)
3. The Superintendent,
Central Prison-II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.32204 of 2025

K. RAJASEKAR, J.

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Crl.O.P. No.32204 of 2025

25.11.2025