

JO CODE - OD-00711

IN THE COURT OF 3rd ADDITIONAL SESSIONS JUDGE, BHUBANESWAR

BLAPL No.1796 of 2025

Binod Chaudhary @ Vinod Kumar,
Aged about 45 years,
S/o. Rajkapur Chaudhary,
Resident of Vill-Chilwa, P.S. Gola,
Dist-Gorakhpur, State-Uttar Pradesh.

Vrs

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Petitioner

State of Odisha

Opp. Party

Order dated 19.09.2025 :

The case record is put up today for disposal of bail application filed U/s.483 of BNSS by the learned counsel for the above-named petitioner for his release on bail in Airport P.S. Case No.274 dated 23.08.2025, corresponding to C.T. Case No.1488 of 2025 of the Court of learned JMFC-V, Bhubaneswar for allegedly committing offence punishable U/s.319/318(4)/336(2)/338/336(3)/ 340(2)/339 of BNS r/w. Sec. 12 of Passport Act.

2. The learned counsel for the petitioner has filed a memo to the effect that no bail application in respect of the present accused/petitioner is pending or disposed of in the Court competent to entertain the same.

3. Bereft unnecessary details, the conspectus of the prosecution case as unfurled from the FIR dated 23.08.2025 goes to show that on 22.08.2025 at about 21.40 hours the petitioner was issued with a passport from RPO-Lucknow, who departed to Bangkok (Thailand) by Flight No.6E-1065 was intercepted during departure clearance. During his departure clearance, it is found that the subject is a LOC vide No.2025421174 dated 13.06.2025 had been issued against him. From verification through their system, it is ascertained that in the previous passport No.H5944557, his name was as Vinod Kumar, DOB-05.07.1985 parentage Raj Kapoor and Kusum Devi. As the person is same, but both passports have different names, date of birth and also parentage. It is a clear-cut that the LOC has obtained the second passport No.V0780505 fraudulently with mala-fide intention. Thus, the FIR.

4. The learned counsel for the petitioner submitted inter alia that the present petitioner is innocent and in no way connected with the alleged offence, but he has been falsely implicated in this case. No forged passport was recovered from the possession of the petitioner. The alleged document was produced by Immigration officials without any independent seizure witness. No forensic or biometric verification has been conducted to establish that the petitioner is the same person holding multiple passports. Sanction U/s.12 of Passport Act, 1967 has not been obtained from the Central Government which is mandatory for prosecution. The allegations essentially relate to passport/identity issues which can be fully examined during trial, but prolonged incarceration amounts to a violation of his rights. The petitioner was unaware that he had lost his earlier passport, and thereafter one broker is alleged to have facilitated issuance of another passport. The petitioner had no deliberate intention to defraud or commit forgery. The petitioner is a permanent resident of Gorakhpur with family roots and there is no likelihood of absconding or tampering with evidence. The petitioner's travel was only in connection with business, not to evade law or harm national security. Apart from that the petitioner is in custody since 23.08.2025. He must have perceived the rigor of law. Furthermore, the petitioner is ready to be abided by any conditions that will be imposed in the event of his release on bail.

5. Per contra, the learned Addl.P.P. vehemently objected the application and prayed for rejection of the same. It is argued by the learned counsel for the prosecution that the petitioner has forged the passport and obtained two passports in different names. The petitioner may abscond or tamper with the evidence, if released on bail. At this stage, if the accused petitioner is released on bail that will not pass a soothing message to the society. Thus, the bail application be rejected.

6. Having heard both the parties and on perusal of the case record, more specifically the FIR, forwarding report, the statements of the witnesses as recorded U/s.180 of BNSS and other materials as available on record, it is allegedly ascertained that 22.08.2025 at about 21.40 hours the petitioner was issued with a passport from RPO-Lucknow, who departed to Bangkok (Thailand) by Flight No.6E-1065 was intercepted during departure clearance. During his departure clearance, it is found that the subject is a LOC vide No.2025421174 dated 13.06.2025 had been issued against him. From verification through their system, it is ascertained that in the previous passport No.H5944557, his name was as Vinod Kumar, DOB-05.07.1985 parentage Raj Kapoor and Kusum Devi. As the person is same, but both

passports have different names, date of birth and also parentage. It is a clear-cut that the LOC has obtained the second passport No.V0780505 fraudulently with mala-fide intention. Investigation of the case is in nascent stage. However, on perusal of the documents as filed by the investigating agency and other materials, it is very much evident that the petitioner has allegedly committed the offence alleged. He is a habitual offender as the record goes to show. Once he had manipulated the passport and forged it. Thereafter again he did the same act which was detected by the Immigration Officer, at the last movement for his departure from India to Thailand. Furthermore, the seizure list goes to show he had no return ticket to India. As such, his intention is very much evident of fleeing away from India. That apart, he is a man of UP and his attendance could not be procured in Court, if allowed to go on bail.

Apart from that, these types of offences are rampant in the locality and surging day by day in the society. The fraudsters like the accused petitioner are forging the documents to go abroad and do some illegal act.

7. Thus, considering the facts and circumstances of the case, nature and gravity of offence, modus operandi of its commission, nature of document forged, nascent stage of investigation, his permanent residence of outside the State of Odisha, coupled with this type of offences being rampant in the locality and surging day by day in the society, this Court does not feel it a fit case to consider the bail application leniently. Accordingly, the same stands rejected being devoid of merit.

Free copy of this order be granted to the learned counsel for the accused/petitioner, if so, applied for.

Send back the TCR along with the extract of the order to the court of learned JMFC-V, Bhubaneswar forthwith.

Sd/-

3rd Addl. Sessions Judge, Bhubaneswar

Dictated and corrected by me

Sd/-

3rd Addl. Sessions Judge,
Bhubaneswar