

M.P.No.2 of 2015
in
Crl.O.P.No.133 of 2015

R.SUBBIAH, J

The present petition has been filed to return the passport of the petitioner bearing No.F6861567 by relaxing the bail condition at para No.24(6) of the bail order in Crl.O.P.No.133 of 2015 dated 12.1.2015.

2. It is the case of the petitioner that he has been arrayed as A.17 in Crime No. R.C.MA 1.2013.A.0029 on the file of the respondent police-CBI, ACB, Chennai for the alleged contravention of Section 420 read with Section 120-B IPC and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988. He was granted bail by this Court by an order dated 12.1.2015, on conditions that (i) he shall execute a bond for Rs.15,000/- with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge for CBI Cases (VIII Additional Judge), City Civil Court, Chennai; (ii) he shall appear before the respondent on every Monday and Friday at 10.30 a.m. until further orders and (iii) he shall surrender his passport to the said Court and if he is not

having a passport, he shall file an affidavit to that effect before the said Court. The petitioner has complied with all the conditions. Subsequently, the conditions imposed by this Court were relaxed by this Court by an order dated 4.2.2015.

3. It is the further case of the petitioner that he is a Customs House Agent (CHA) engaged in the business and process of filing shipping documents with the Customs Department and clearance of the consignments. For the purpose of his business, he needs to undertake frequent travels to abroad at short notices to meet buyers, client, participate in exhibitions. Further, the visa formalities to developed countries like Germany, European Nations and America takes not less than 2 to 3 months for processing coupled with the fact that the Air Ticket is affordable and cheap only if booked well in advance. Due to his remand and incarceration in prison, subsequent reporting before the respondent and appearance before the Court, the business of the petitioner has been completely crippled. Unless the petitioner is given his passport and permitted to travel abroad, there is no way in which he can recoup and stabilize the business, which would otherwise cause heavy loss to

the petitioner. The petitioner is the permanent resident of Chennai having his business and family settled here and there can be no apprehension that he would flee from justice, as he has been cooperating with the process of this Court for more than two years without any let or default. Further, the petitioner undertakes to abide by any orders of this Court. Thus, he sought for return of the passport.

4. The said petition was vehemently opposed by the respondent by filing counter stating that if the passport is returned to the petitioner, securing his presence for the trial is not possible.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is the permanent resident of Chennai having his business and family settled here, I am of the opinion, the passport could be returned to the petitioner on the following condition viz.,

On every occasion of the petitioner travelling abroad, he shall file an affidavit informing his address for

contact as also the contact telephone / cellphone number while abroad and also undertake to appear before the Court below as and when required; and on return from abroad, he shall report the same by filing an affidavit before the Court below on every occasion. On such compliance, the petitioner's passport shall be returned to him by the Court below.

The petition is ordered accordingly.

09.04.2015

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