

M.P.No.2 of 2015
in
Crl.O.P.No.33605 of 2014

R.SUBBIAH, J

The present petition has been filed to relax the bail condition by ordering the release of the passport of the petitioner bearing No.M3131919, which was directed to be surrendered before the trial Court vide order passed in Crl.O.P.No.33605 of 2014 dated 12.1.2015 in RCMA1 2013 A 0030 on the file of the respondent police.

2. It is the case of the petitioner that he was arrested by the respondent police on 15.12.2014 for the alleged offence punishable under Sections 120-B, 420 I.P.C. r/w 13(2) and 13(1)(d) of the Prevention of Corruption Act and by order dated 12.1.2015, he was released on bail by this Court, by imposing various conditions. One of such conditions was that 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 5.2.2015.

3. It is the further case of the petitioner that he is engaged in the business of doing the customs clearance work. Due to his incarceration, he has lost his business and valuable clients. Now, he is looking for new venture in the business of import and export, apart from doing the customs clearance work and for the said purpose, it is just and necessary that he has to undertake travel both national and international to get business and to enter into various contracts, sign agreements. Further, the respondent police has already completed the investigation. The passport of the petitioner is needed by him to gain new business and seek new opportunity in the business of import and export apart from clearance work carried out by him. The petitioner is the permanent resident of Chennai having his permanent avocation and business at Chennai and he will not abscond or flee away from the country in order to protract the investigation. 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 at Chennai, 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.

15.04.2015

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