

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.12.2015

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THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Crl.O.P.No.26105 of 2015

and

M.P.No.1 of 2015

Maya Venkatesan @ Venkatesan ... Petitioner/A2

Versus

The State Rep. by
The Deputy Superintendent of Police,
OCU, Chennai.
(Crime No.02/2007)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the bail condition imposed in Crl.M.P.No.2576 of 2007 by the Additional Chief Metropolitan Magistrate, Egmore, Chennai vide order dated 28.11.2007 directing the petitioner to surrender his passport before the Court and to consequently direct the Registry to return the passport bearing No.E889/5275 both for the purpose of travel to Malaysia and Singapore for continuation of treatment and to attend business meetings for the short span of time, the period which the petitioner undertakes to inform in advance by way of sworn affidavit before this Hon'ble Court.

For Petitioner : Mr.G.Prabhakaran

For Respondent : MrM.Mohamed Riyaz

Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed praying to set aside the bail condition imposed in Crl.M.P.No.2576 of 2007 by the Additional Chief Metropolitan Magistrate, Egmore, Chennai, vide order dated 28.11.2007 directing the petitioner to surrender his passport before the concerned Court and consequently, directing the Registry of this Court to return the passport bearing No.E88995275 for the purpose of travel to Malaysia and Singapore for continuation of treatment and to attend business meetings for the short span of time, the period which the petitioner undertakes to inform in advance by way of sworn affidavit before this Court.

<https://hcservices.ecourts.gov.in/hcservices/> 2 The case of the prosecution is that the petitioner failed to refund the earnest money deposit amount to the civil contractors, who have taken contracts to construct

civil structures for the cement factory owned by the petitioner and others.

3. According to the petitioner, earlier he was granted anticipatory bail on 28.11.2007 in CrI.M.P.No.2576 of 2007 by the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner should surrender his passport, if any. If he has no passport, affidavit should be filed to that effect. In compliance with the order dated 28.11.2007, the petitioner has surrendered his passport bearing No.E8895275, dated 21.02.2008 on the file of the learned XIX Additional Sessions Judge, City Civil Court, Chennai, where the criminal trial is pending in S.C.NO.207 of 2010. Further, the petitioner is also complying with all other conditions imposed on him. Pending trial, the petitioner has filed CrI.OP No.10617 of 2015 before this Court praying to set aside the order dated 28.11.2007 in CrI.M.P No.2576 of 2007. By an order dated 25.06.2015, this Court directed the learned XIX Additional Sessions Judge, City Civil Court, Chennai to return the passport of the petitioner for a period of three months subject to certain conditions. Thereafter, on 01.10.2015, the petitioner re-submitted his passport to the custody of the trial Court.

4. The learned counsel for the petitioner submits that the petitioner has to undertake a short trip to abroad to fulfil his business commitments and also to take treatment for his ailment to Singapore and Malaysia. Therefore, the petitioner has filed the present petition for the relief stated therein. The learned counsel appearing for the petitioner restricted his argument for returning the passport for a period of three months alone and that the petitioner will file an affidavit of undertaking that he will not go beyond Singapore and Malaysia and will return India. It is also further stated that the petitioner is ready to file an affidavit indicating the period of his travel, the place of his visit, the purpose of his visit, the phone number and address of the place of stay, probable date of his return etc., in the form of an affidavit. Therefore, the present petition is filed seeking permission of this Court to issue appropriate order to the trial Court to return his passport.

5. The learned Government Advocate (CrI.side) would submit that trial is pending in this case in S.C.No.207 of 2010 from the year 2007.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

7. Considering the facts and circumstances of the case and also taking into account the fact that the petitioner seeks appropriate direction to the trial court to return the passport for a limited period of three months to take treatment

and also to fulfil his business commitments, this Criminal Original Petition is disposed of with the following direction:-

(i) The petitioner is directed to file an affidavit of undertaking before the trial Court indicating the date of his leaving India, details of the itinerary, phone number and address of place of his stay at Singapore and Malaysia, contact number of the place of stay at Singapore and Malaysia i.e., phone number and address, date of Return to India and other particulars. The petitioner shall also indicate in the affidavit that he will not travel beyond Singapore and Malaysia and he will stay in Singapore or Malaysia for a period of one month from the date of leaving India.

(ii) The petitioner is directed to execute a bond for Rs.5,00,000/- (Rupees Five Lakhs Only) to the satisfaction of the trial Court

(iii) The petitioner is further directed to return his passport to the custody of the trial Court, soon after he returns back to India.

(iv) On filing of such affidavit, the trial Court is directed to consider and pass appropriate order for return of the passport in favour of the petitioner. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The XIX Additional Sessions Court,
City Civil Court,
Chennai.

2.The Addl.Chief Metropolitan Magistrate, Egmore, Chennai.

3.The Deputy Superintendent of Police,
OCU, Chennai.

4.The Public Posecutor,
High Court, Madras 104

+1 cc to Mr.G.Prabhakaran, Advocate, sr.67300

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