

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.9092 of 2015

Asif @ Mohamed Asif

.. Petitioner/Accused-5

Vs.

State Represented by
The Inspector of Police,
CCB - Team IV,
Vepery, Chennai.
(X Crime No.265 of 2013)

... Respondent /Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order of the Chief Metropolitan Magistrate in Crl.M.P.No.8151 of 2014 dated 12.01.2015 and direct the learned Chief Metropolitan Magistrate, Egmore, Chennai to return the passport bearing No.HG9851165 which was surrendered before the learned Metropolitan Magistrate, Egmore, Chennai in X Crime No.265/2013.

For Petitioner :Mr.K.Balasubramaniam

For Respondent :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking a direction to to set aside the order of the Chief Metropolitan Magistrate in Crl.M.P.No.8151 of 2014 dated 12.01.2015 and direct the learned Chief Metropolitan Magistrate, Egmore, Chennai to return the passport bearing No.HG9851165 which was surrendered before the learned Metropolitan Magistrate, Egmore, Chennai in X Crime No.265/2013, the petitioner has come up with this petition.

2. It is seen that the petitioner was working as a Manager in Just Fly Tours and Travels which is owned by one Gopi @ Gopalakrishnanal (Ai). On a complaint lodged by one Ramesh Lalwani that the Just Fly Tours and Travels, A1 collected money cheated him, the respondent Police registered a case in Cr.No.265 of 2013 on 10.07.2013 for an offence under Section 420 of I.P.C.

3. The petitioner was arrested by the respondent police on 15.07.2013 and released on bail. While granting the bail to the petitioner by the learned Chief Metropolitan Magistrate, Egmore, Chennai in CrI..M.P.No.6117 of 2013 in X.Cr.No.265 of 2013 dated 16.09.2013, on a condition that the petitioner shall deposit a sum of Rs.5,00,000/- in any nationalised Bank in the name of Chief Metropolitan Magistrate, Egmore, Chennai and the Fixed Deposit Receipt is to be produced before the learned Chief Metropolitan Magistrate Court, Egmore, Chennai ; If the petitioner/accused is having passport, the same shall have to be surrendered before this Court.

4. The petitioner has deposited a sum of Rs.5,00,000/- and also surrendered his passport. Now the petitioner is seeking return of his passport on the ground that he needs to get a job some where. The petitioner has filed an affidavit in which paragraphs 5 & 6 reads as follows:

5. I submit that I have completed Diploma in IATA/UFTAA Foundation and EBT Course and also completed Kuoni Airline Diploma. I further submit after my arrest I am jobless and no company is ready to offer me a job without passport. I further submit I am the only earning member in my family and that my entire family is dependent on me, I further submit that now I have got an opportunity to work in a travel agency, but since my passport is surrendered before the Court I could not able to take up the job.

6. I submit that I require the passport only to join a company and I further undertake that I will not misuse the passport nor go out of the country, further I am ready to surrender my passport whenever called for investigation purpose. I further submit that whenever I get an opportunity to go abroad, I will seek the permission of this Court by filing a petition.

5. In view of the above, in the interest of justice, the undertaking of the petitioner is accepted and the bail condition referred above is modified to the effect that the learned Chief Metropolitan Magistrate, Egmore, Chennai, is directed to return the passport bearing No.H9851165 to the petitioner.

6. This Court directs the petitioner to give an undertaking to the learned Chief Metropolitan Magistrate that he will not go abroad. The petitioner shall go abroad only with the permission of Chief Metropolitan Magistrate, Chennai.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd/gya

To

1.The Chief Metropolitan Magistrate, Egmore, Chennai.

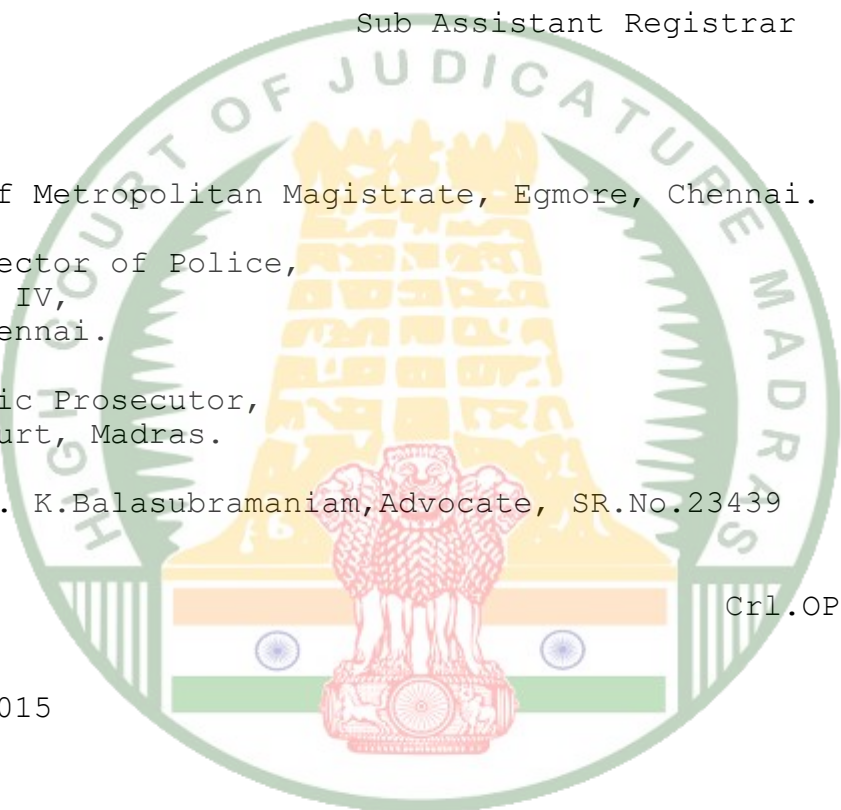
2.The Inspector of Police,
CCB - Team IV,
Vepery, Chennai.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr. K.Balasubramaniam, Advocate, SR.No.23439

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pmk.29.4.2015

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital with a wheel in the center. The entire emblem is set against a background of a green and white striped banner. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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