

Crl.MP.No.865 of 2016
in
Crl.OP.No.14457 of 2012

K.KALYANASUNDARAM, J.

This petition has been filed to direct the VIII Additional Principal Special Judge for CBI cases, Chennai to return the original passport bearing number “Z2171537” to enable the petitioner to undertake foreign travels in connection with the business in C.C.No.64 of 2001 in M.P.No.1 of 2015 in Crl.O.P.No.14457 of 2015.

2. The learned counsel appearing for the petitioner would submit that the petitioner has been arrayed as 15th accused in C.C.No.64 of 2001 pending on the file of the VII Additional Principal Sessions Judge for CBI cases, Chennai for the alleged offences under Section 120-B r/w 420 I.P.C. While granting interim bail on 18.06.2012, this Court directed the petitioner was regularly appearing before the trial court for every hearing. Since his original passport was already seized by the respondent police and surrendered before the trial Court, this Court directed that the petitioner's passport should not be returned to him until further orders. The petitioner had complied with the interim bail conditions and thereafter, this Court on 19.06.2012 granted bail

with a condition to appear before the Trial Court at 10.30 a.m. on the first working day of every month and accordingly the petitioner has been appearing before the trial Court on all hearing dates without fail. Prior to his arrest on 03.06.2012, he was permanently residing in Singapore and was carrying on business as a freelance Consultant for Agricultural Commodities and he had to travel to other countries in connection with his business. Considering the above fact, earlier this Court issued a direction to trial Court to return the original passport. It is further submitted that the petitioner has already surrendered the original passport and seeks further direction.

3. The learned Government Advocate (Criminal Side) appearing for the respondent fairly objected the bail petition stating that though the case was registered in the year 2001, the petitioner was absconded for nearly 16 years and he was secured only in the year 2012. It is further submitted that the trial is in crucial stage and if the passport is returned, the petitioner will not co-operate for completion of trial and there is every chance to flee away and abscond from the trial once again.

4. This Court already issued a direction in M.P.No.1 of 2015 in Crl.O.P.No.14457 of 2015 directed the trial Court to return the passport for a period four months.

Considering the facts and circumstances of the case, the trial Court viz., Principal Special Judge for CBI Cases (VIII Additional Judge, City Civil Court, Chennai) is directed to return the passport to the petitioner; the petitioner shall return the passport within a period of six months from the date of receipt of passport from the said Court for a period of six months and the petitioner shall file an affidavit before the trial Court as to his surrendering of the passport.

With the above direction, this petition is ordered accordingly.

24.02.2016

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