



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the First day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL MP (MD) No.5877 of 2016

IN

CRL OP (MD) No.1456 of 2016

ANDIYAPPAN @ RAJASEKAR

... PETITIONER/PETITIONER/PETITIONER

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
AVUDAIYAR KOVIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO. 3 OF 2015)

... RESPONDENT/RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposed by this Honourable Court in Crl.O.P. (MD) NO. 1456 of 2016 dated 29.01.2016 and direct the interim release of the passport (Indian Passport bearing No. L3899552) to the petitioner and permit him to travel abroad for a period of six months in PRC No. 316 / 2016 pending committal on the file of the Learned Judicial Magistrate, Aranthangi, Pudukkottai District.

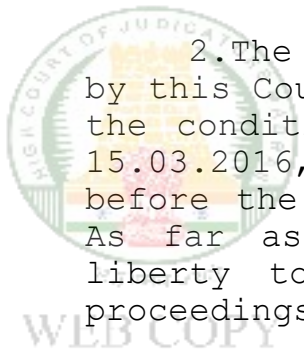
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S ANTONY S.PRABAHAR, Advocate for the petitioner and of Mr.K.ANBARASAN, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

The petitioner is charged for the offences under Section 302 of IPC @ Sections 302 and 120(b) of IPC. He filed Crl.O.P(MD)No.1456 of 2016 for anticipatory bail and this Court by order dated, 29.01.2016 granted anticipatory bail with the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the Police Officer who intends to arrest or the satisfaction of the learned Magistrate concerned and on further condition that;

(ii) the petitioner shall report before the concerned Court daily at 10.30 am until further orders and that;

(iii) if the petitioner is having a passport, he is directed to produce the same before the Court concerned.

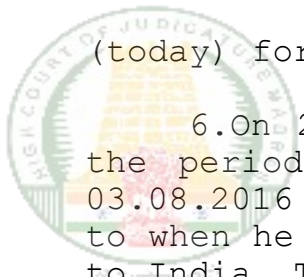


2.The petitioner was complying regularly the condition imposed by this Court and filed Crl.M.P(MD)No.1816 of 2016 for relaxation of the condition imposed by this Court. This Court, by order dated 15.03.2016, relaxed the condition that the petitioner should report before the concerned Court daily at 10.30 am until further orders. As far as return of Passport is concerned, this Court granted liberty to the petitioner to renew his prayer after committal proceedings.

3.The petitioner filed Crl.M.P(MD)No4223 of 2016 in Crl.O.P(MD) No.1456 of 2016 praying to modify the condition imposed in Crl.M.P (MD)No.1816 of 2016 in Crl.O.P(MD)No.1456 of 2016 dated 15.03.2016 and for a direction to interim release of the Passport (Indian Passport bearing No.L3899552) to the petitioner and permit him to travel abroad for a period of two months in PRC.No.316 of 2016 pending committal proceedings on the file of learned Judicial Magistrate, Aranthangi, Pudukottai District. This Court by order dated 09.06.2016, permitted the petitioner to travel abroad from 15.06.2016 to 14.07.2016 on the conditions mentioned therein. As per the said order, the petitioner went to Malaysia on 17.06.2016 and came back to India on 06.07.2016 and again went to Malaysia on 08.07.2016 and came back to India on 14.07.2016 and surrendered his passport before the learned Judicial Magistrate, Aranthangi, on 15.07.2016. Now, the petitioner has come out with the present petition for modifying the condition imposed in Crl.O.P(MD)No.1456 of 2016 dated 29.01.2016 and for a direction to interim release of the Passport (Indian Passport bearing No.L3899552) to the petitioner and permit him to travel abroad for a period of six months, in P.R.C.No.316 of 2016 pending committal proceedings on the file of learned Judicial Magistrate, Aranthangi, Pudukottai District.

4.According to the petitioner, he is carrying on business in Malaysia and Singapore in the name and style of "Wawasan Sakthi Metal Stnbhd" and "KRR Star International PTE Ltd." respectively. He is employing more than 80 persons in both the companies and his Auditor also informed that his presence is required. He is unable to travel Malaysia and Singapore, as he has submitted his Indian Passport bearing No.L3899552, before the learned Judicial Magistrate, Aranthangi, Pudukottai District in P.R.C.No.316 of 2016. He is a permanent resident of Kidagivayal, Avudaiyar Kovil Taluk, Pudukottai District. His wife is a home maker and his five children are studying in the School at Karaikudi and he has movable and immovable assets in Tamil Nadu The report of the Forensic Department is not ready and it will take some more time for the respondent Police. Hence, it will take some more time for commencement of committal proceedings. Therefore, the petitioner has come out with the present petition for the above said prayer.

5.When the matter was taken up for hearing on 27.07.2016, when this Court was not inclined to consider the request of the petitioner to permit him to travel abroad for a period of six months, the learned counsel for the petitioner sought time for filing an affidavit restricting the period of travel for three months and accordingly the matter was adjourned to 01.08.2016



(today) for filing affidavit.

6. On 29.07.2016, the petitioner filed an affidavit restricting the period of travel from six months to three months i.e., from 03.08.2016 to 02.11.2016, wherein he also furnished the details as to when he travels to Malaysia and Singapore and when he will return to India. The relevant Paragraph Nos.12 and 13 read as follows:

WEB COPY

"12.I Submit that I have to travel to Malaysia frequently due to my business operations there and due to the present condition I am unable to do so. I further state that I am planning to travel Malaysia on 03.08.2016 from Trichy Airport. I submit that I am running a business in Malaysia by name WAWASAN SAKTHI METAL SINBHD at 1253-0-2 Capital Industrial Centre, Jalan Sungai Besi 57500 Wilayah Persekutuan, Kulalampur, Malaysia and in Singapore by name KPR STAR INTERNATIONAL PTE LTD 3 03-21 Fortune Centre, Singapore - 188979 and my contact No.0060122161245.

13.I Submit that I will be travelling to Malaysia and Singapore in between on 03.08.2016 to 02.11.2016 for my business purpose only and I will be staying in the above mentioned address for a period of three months."

7.The learned Government Advocate (Crl. Side) submitted that the petitioner is the main accused and if this Court permits him to travel abroad, he will abscond and trial could not be proceeded with. He further submitted that it will take some more time to get report from the Forensic Department

8.Considering the fact that the report of the Forensic Department is not ready and it will take some more time for the respondent police has to obtain the same from the Forensic Department and the petitioner is a resident of Kidagivayal, Avudaiyar Kovil Taluk, Pudukottai District and his five children are studying in the School at Karaikudi and he has movable and immovable assets in Tamil Nadu and the petitioner is having business activities in Singapore and Malaysia and his presence is required his business activities and as per the earlier order 09.06.2016, the petitioner went to Malaysia on 17.06.2016 and came back to India on 06.07.2016 and again went to Malaysia on 08.07.2016 and came back to India on 14.07.2016 and surrendered his passport before the learned Judicial Magistrate, Aranthangi, this Court is inclined to permit the petitioner to travel abroad from 06.08.2016 to 05.11.2016. Hence, the learned Judicial Magistrate, Aranthangi, Pudukkottai District, is directed to return the Passport of the petitioner, subject to the following conditions:

"1.The petitioner shall execute a bond for a sum of Rs.25,000/- (Twenty Five Thousand only) with two sureties each for a likesum to the satisfaction of the said Magistrate concerned.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The petitioner is directed to furnish his full



address of stay, business contact telephone numbers and the details of residence address and contact numbers in Malayasia and Singapore before the Magistrate concerned.

3.The petitioner is directed to use his passport to travel abroad for his business purpose only.

4. The petitioner is directed to submit his tour plan/schedule before the trial Court two days prior to his departure.

5.The petitioner is directed to submit all the certified copies of the travel documents viz. Visa, Air Ticket etc., relating to his journey before the Magistrate concerned.

6.The petitioner is directed to give an undertaking by way of an affidavit before the trial Court that he will not extend his stay and return to India within the time limit specified by this Court.

7.The petitioner shall return the Passport before the said Court on 07.11.2016.

9. This petition is ordered accordingly.

sd/-
01/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.
2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
AVUDAIYAR KOVIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 2 CC to M/S ANTONY S.PRABAHAR Advocate SR.No. 41448, 40482

ORDER IN
CRL MP(MD) No.5877 of 2016
IN
CRL OP(MD) No.1456 of 2016
Date :01/08/2016