



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

Friday, the Fifteenth day of September Two Thousand Seventeen

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PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**

CRL MP(MD) No.6496 of 2017  
IN  
CRL OP(MD) No.12125 of 2010

REV.FR.XAVIER VEDHAM (A4)  
AGED 60 YEARS,  
THE PRINCIPAL & SECRETARY,  
LOYOLA COLLEGE, METTALA  
NAMAKKAL DISTRICT.

... PETITIONER/ ACCUSED NO.4

Vs

THE STATE OF TAMIL NADU,  
REP.BY THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
FORT, TRICHY,  
TRICHY DISTRICT.

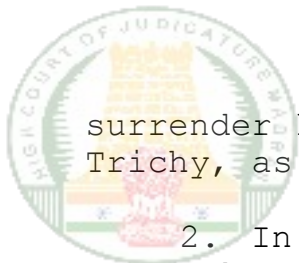
... RESPONDENT / RESPONDENT

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 vide order dated 03/11/2010 in Crl.O.P(MD).No.12525 of 2010 on the file of this Honourable Court by directing the Court of the Additional District Sessions Judge/Mahila Court, Trichy to return the petitioners Passport to him temporarily for the trip to Australia, which has been surrendered by the petitioner on 01/06/2017 in connection with Crime No.62 of 2010 dated 11/10/2010 on the file of the respondent police.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. K.PRABHU, Advocate for ISAAC CHAMBERS for the petitioner and of M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Orders Reserved on **[06/09/2017]**

A case has been registered in Crime No.62 of 2010, for the alleged offences punishable under Sections 376 & 506(i) of IPC., on the file of the respondent Police against the petitioner inclusively. The petitioner is arrayed as A4 and he moved anticipatory bail along with other accused before this Court in Crl.O.P(MD) No.12125 of 2010 and the same was allowed, as per orders of this Court, dated 03.11.2010, directing the petitioner to



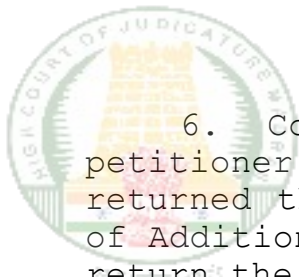
surrender his Passport before the learned Judicial Magistrate No.I, Trichy, as one of the condition imposed by this Court.

2. In compliance of the condition, the petitioner herein has surrendered his Passport on 11.11.2010, before the concerned Magistrate and latter on, the said case has been committed to the Court of Additional District and Sessions Judge (Mahila Court), Trichy. The entire case file, including the Passport of the petitioner, have been produced to the said Court and the case is pending for trial as S.C.No.101 of 2011. One the accused viz., Dr.Suchitra, had filed a petition in CrI.O.P(MD)No.12996 of 2012, before this Court, and all further proceedings in S.C.No.101 of 2011 has been stayed by this Court in its order dated 30.08.2012 in M.P (MD)No.1 of 2012. The said order of interim stay is being extended till today and the order of stay is still in force.

3. The petitioner has filed the present application praying to modify the condition imposed by this Court, vide order dated 03.11.2010 in CrI.O.P(MD)No.12125 of 2010, by directing the Court of Additional District and Sessions Judge (Mahila Court), Trichy, to return his Passport temporarily for the Trip in Australia, which has been surrendered by him on 01.06.2017, in connection with Crime No.62 of 2010, pending as S.C.No.101 of 2011 on the file of Court of Additional District and Sessions Judge (Mahila Court), Trichy. The petitioner claims that he is a Jesuit Priest belonging to the Roman Catholic Order of Christianity, which is providing several charitable and Missionary services like running Social, Education and Religious Institutions and Centers.

4. The learned counsel appearing for the petitioner would submit that the petitioner obtained an order of return of Passport in earlier occasions from this Court for renewal of his Passport and also performing pilgrimages and surrendered his passport after completion of his visit, as per the order of this Court in M.P(MD) No.1 of 2013, dated 03.06.2013, M.P(MD)No.3 of 2014, dated 05.11.2014, CrI.M.P(MD)No.1895 of 2017, dated 06.03.2017, CrI.M.P (MD)No.1375 of 2017, dated 20.03.2017 and CrI.M.P(MD)No.3270 of 2017, dated 18.04.2017 respectively and the petitioner has now has been invited to Australia to participate in a conference from 18.11.2017 and 10.12.2017, for participating the charity fund raising funds and for that purpose to get Visa, the petitioner requests the Passport given back to him and the petitioner undertakes to return the Passport as soon as he returns to India, after attending the function at Australia. The petitioner has also produced the xerox copy of Tickets for travels from Chennai on 15.11.2017 and intends to return to India on 15.12.2017.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that considering the earlier orders passed by this Court, the petition may be ordered by imposing the same conditions.



6. Considering the fact that on earlier occasions, the petitioner was permitted to go abroad and, as directed, he had also returned the Passport, this Court is inclined to direct the Court of Additional District and Sessions Judge (Mahila Court), Trichy, to return the petitioner's Passport.

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7. In the result, this Criminal Miscellaneous Petition is allowed and the learned Additional District and Sessions Judge (Mahila Court), Trichy, is directed to return the petitioner's Passport, on the petitioner filing of an affidavit before the concerned Court stating the date of departure from India and the date of his arrival and also the particulars of stay at Australia by giving the address and also undertakes to return the Passport on 20.12.2017, after his return to India.

sd/-  
15/09/2017

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (MAHILA COURT), TRICHY.
2. THE JUDICIAL MAGISTRATE NO.1, TRICHY, TRICHY DISTRICT.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
4. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, FORT, TRICHY, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP (MD) No.6496 of 2017  
IN  
CRL OP (MD) No.12125 of 2010  
Date :15/09/2017

**MS/PM-PN/SAR.4/18.09.2017/3P.6C**