



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.7718 of 2017

Rahmathullah

... Petitioner

-vs-

State through
Inspector of Police,
B5 South gate Police Station,
Madurai District

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Cr.M.P.No.263/2016 in S.C.No.344/2013 dated 01.06.2016 on the file of the learned District and Sessions Court, (Mahila) Madurai District and set aside the same and consequently direct the learned District Sessions Court, (Mahila) Madurai District to return the passport to the petitioner.

For Petitioner	: Mr.K.Prabhu
For Respondents	: Mr.K.Anbarasan
	Govt. Advocate (Crl.Side)

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

2. Today, Mr.R.Bose, Special Sub Inspector of Police, B5 South Gate Police Station, Madurai, is present before this Court.

3. On the complaint lodged by P.W.1 Fathima, the respondent police registered a case in Crime No.975/2012 under Sections 147, 294(b), 323, 452 and 506(ii) IPC and Section 3(1) of the TNPPDL Act against 7 accused including the petitioner herein, who was shown as A1. During investigation, the petitioner was arrested and he was released on bail by the learned Principal Sessions Judge, Madurai, in Crl.M.P.No.8786/2012 on 02.01.2013 on the following conditions:



original passport and also on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.4, Madurai, on condition that the petitioner should appear and sign before the respondent police daily at 10.00 a.m. until further orders."

4. After completing the investigation, the police filed the chargesheet and the case was committed to the Court of Sessions in SC No.344/2013 and trial was held by the Sessions Judge (Mahila Court), Madurai, in which, by judgment dated 09.02.2016, this petitioner was acquitted. Therefore, this petitioner filed an application in Crl.M.P.No.263/2013 in SC No.344/2013 before the Sessions Judge (Mahila Court), Madurai, for return of his passport and the same has been dismissed by the learned Judge on 01.06.2016 on the ground that the de-facto complainant has filed an appeal in Crl.A.(MD) No.107/2016 before the High Court and the same is pending.

5. In the considered opinion of this Court, the passport of the petitioner was submitted at the time of grant of bail before the Court. It was not marked as an exhibit in the trial Court. After the acquittal of the petitioner, the bail bond gets automatically discharged unless fresh bail bond are directed to be taken under Section 437(A) Cr.P.C.

6.The learned counsel for the petitioner submitted that counsel by name, one Mr.K.Prabhu has entered appearance for Rahamathullah in Crl.A(MD) No.107/2016 before this Court and has filed his memo of appearance.

7. Registry is directed to enter the name of Mr.K.Prabhu for Rahamathullah in Crl.A(MD) No.107/2016. The learned Sessions Judge is directed to return the passport to the petitioner, after taking photo copies of the same and after due identification within two weeks from the date of receipt of a copy of this order.

8. With the above direction, this petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

<https://hcservices.hcscourt.gov.in/hcservices/> and Sessions Judge, Mahila Court,
Madurai



2. The Inspector of Police,
B5 South gate Police Station,
Madurai District

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Prabhu, Advocate Sr.No.62241

RR

VB/MR/SAR1/10.07.2017/3P/5C

Cr1.O.P. (MD) No.7718 of 2017

27.06.2017