

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM:

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL.O.P.No.21220 of 2018

Pasupathy Anand

.. Petitioner

Vs.

1. State Represented by

The Inspector of Police,
S-2, Airport Police Station,
Chennai Airport,
Chennai-600027
(Ref.Crime No. 108/2018)

2. The immigration Officer,

Bureau of Immigration,
Chennai International Airport,
Chennai - 600 027.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to allow the petitioner to travel abroad pending investigation in Crime No.108 of 2018 on the file of the Inspector of Police, S-2, Airport Police Station, Chennai Airport, Chennai.

For Petitioner : Mr.N,Kumar Rajan

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor for R1

O R D E R

This petition has been filed by the accused to allow him to travel abroad pending investigation in Crime No.108 of 2018 on the file of the Inspector of Police, S-2, Airport Police Station, Chennai Airport, Chennai.

2. The learned counsel for the petitioner has submitted that the petitioner is the Non-Resident Indian (NRI) working in Doha, Qatar as a Manager, Finance and Administration in TEYSEER Motors Company, W.L.L, Doha, Qatar from 1997. He further submitted that based on the complaint given by the second respondent, the first respondent has registered a case on 15.08.2018 against the petitioner for the offences punishable under Sections 294(b) and 353 of IPC in Crime No.108 of 2018. He further submitted that the petitioner was arrested by the first respondent on 15.08.2018 and produced before the Judicial Magistrate, Alandur and that the Judicial Magistrate after making remand, released the petitioner on own bond with a condition that the petitioner

should appear before the first respondent police twice a day for a period of ten days. He further submitted that the petitioner has complied with the said condition without any deviation. He further submitted that the petitioner is a law abiding citizen and he will not abscond and he will appear before the Trial Court whenever his appearance is absolutely necessary. He further submitted that since the petitioner is working in Doha, Qatar, he has to report duty before his employer and hence the first respondent may be directed to permit the petitioner to go abroad.

3. The first respondent has filed a counter stating that the second respondent has lodged a complaint alleging that the petitioner has criminally assaulted him and prevented him from discharging his official duties and based on the said complaint, a case was registered on 15.08.2018 in Crime No.108/2018 under Sections 294(b) and 352 of IPC and the case was taken up for investigation and the petitioner was arrested on 15.08.2018 and produced before the Judicial Magistrate, Alandur and remanded to judicial custody. Subsequently, he was released on own bond. He also stated that as per the letter sent by the Deputy Commissioner of Police, St.Thomas Mount, Greater Chennai, Lookout Circular (LOC) was issued by the Foreigner Regional Registration Officer, Chennai on 29.08.2018 and hence the petitioner cannot be permitted to travel abroad. He also stated that if the petitioner is permitted to go abroad, he may not appear before the Trial Court and the trial may be jeopardized.

4. The learned Public Prosecutor has submitted that investigation is also over and chargesheet will be filed within a short time and in the said circumstances, if the petitioner is allowed to go abroad, the case against him cannot be disposed of.

5. As per the averments made in the petition and also in the counter, the petitioner was arrested on 15.08.2018 in Crime . No.108 of 2018 for the alleged offence punishable under Sections 294(b) and 353 of IPC and on the same day, he was produced before the learned Judicial Magistrate, Alandur and the learned Judicial Magistrate also remanded him to Judicial custody and subsequently, he was released on bail on executing own bond with a condition that the petitioner should appear before the first respondent twice a day for ten days. The learned counsel for the petitioner has submitted that the petitioner has complied with the said condition without any deviation. The learned Additional Public Prosecutor has also fairly conceded that the petitioner has complied with the said condition without any deviation.

6. According to the petitioner, since he is working as a Manager in Doha, Qatar as a Manager, Finance and Administration in TEYSEER Motors Company, W.L.L, Doha, Qatar, he has to go to

Qatar to report duty before his employer. Considering the aforesaid facts, with a view to ensure the presence of the petitioner before the Trial Court, during Trial, the Judicial Magistrate, Alandur is directed to get a fresh bond from the petitioner for a sum of Rs.10,000/- with two sureties for like sum each with a condition that he should appear before the Trial Court whenever his presence is necessary. The petitioner is directed to appear before the learned Judicial Magistrate, Alandur within a week and produce sureties and execute the bond as aforesaid. On such execution of bond, the petitioner shall be permitted to go abroad with a condition that he should appear before the Trial Court whenever his presence is insisted by the trial court.

8. With the aforesaid directions, this petition is disposed of.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vv/vsn

To

1. The Inspector of Police,
S-2,Airport Police Station,
Chennai Airport,
Chennai-600027
2. The immigration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai - 600 027.
3. The Judicial Magistrate, Alandur.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

+2cc to Mr.N.Kumar Rajan, Advocate, S.R.No.65694.

CRL.O.P.No.21220 of 2018

KAN(CO)

rrs 25/09/2018