

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21224 of 2018
and CRL.M.P.No.11522 of 2018

S.Anantha Kumar

.. Petitioner

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
W-21, All Women Police Station,
Guindy,
Chennai-32.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to grant custody of the Passport in No.Z2317880 to the petitioner which was surrendered before IX Metropolitan Magistrate, Saidapet, Chennai in C.C.No.5311 of 2011, enabling the petitioner to travel to 3 Apple Hill Drive, Natick, MA 01760-2098, USA from 03.09.2018 to 05.10.2018 to attend the annual product kick-off meeting and project testing of the company M/s.Mathworks.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.C.Raghavan, Govt. Advocate

O R D E R

The petitioner is the holder of Indian Passport No.Z2317880 and he is facing prosecution in CC.No.5311 of 2011 for the offences under Section 417, 420 and 506[iii] IPC. It is the case of the prosecution that the petitioner had promised to marry the de facto complainant and had obtained Rs.2,00,000/- from the de facto complainant, but refused to return the same nor marry her. The petitioner has filed Crl.O.P.No.27715 of 2012, challenging the prosecution in CC.No.5311 of 2011 and this Court has granted stay of all further proceedings before the trial Court. While so, the petitioner is before this Court with the above prayer.

2.Heard the learned counsel for the petitioner and perused the materials placed on record.

3.It is seen that earlier, the petitioner filed Crl.O.P.No.870 of 2012 for an interim direction to go abroad and this Court, by order dated 25.02.2013, had permitted the petitioner to go abroad and he deposited Rs.2,00,000/- before the trial Court. Accordingly, the petitioner had deposited Rs.2,00,000/- and after collecting the Passport from the trial Court, he went to Denmark and returned within the time granted by this Court. Now, it is the case of the petitioner that he has an official meeting in the U.S. and therefore, he is seeking interim custody of his Passport to go to the US and return by 11.10.2018.

4.Taking into consideration the nature of the allegations against the petitioner and the fact that the petitioner was earlier permitted to go abroad and that, he went abroad and complied with the conditions imposed by this Court, this Court is of the view that interest of justice will be served, if the petitioner is permitted to go abroad this time also. Hence, the IX Metropolitan Magistrate, Saidapet, Chennai is directed to give the Passport to the petitioner so as to enable him to travel to the U.S., on the petitioner filing an undertaking affidavit before the IX Metropolitan Magistrate that he will return before 11.10.2018 and surrender the Passport. In his undertaking affidavit, the petitioner should also give the details about his e-mail id, mobile number, place of stay in the U.S.

With the above direction, this petition is ordered accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To
1.IX Metropolitan Magistrate,
Saidapet, Chennai.

2.do Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.

3.The Inspector of Police,
W-21, All Women Police Station
Guindy,
Chennai-32.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.K.M.Appaji, Advocate sr.no.60264

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nr 03/09/2018



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