

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2018

CORAM:

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

Crl.O.P.No.23350 of 2017

Arivalagan Manidevan

...Petitioner/Accused

vs.

The Superintendent of Customs
Customs, Chennai
(R.R. No.18/2015)

...Respondent /Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C. seeking to modify the order dated 30.10.2015 passed in Crl.M.P. No.2778 of 2015 on the file of the Additional Chief Metropolitan Magistrate,EO-I, Egmore, Chennai-600 008 in the interests of justice.

For petitioner Mr. C. Rajan
For respondent Mr. Venkateswaran
Special Public Prosecutor

ORDER

This Criminal Original Petition has been preferred seeking to modify the order dated 30.10.2015 passed in Crl.M.P. No.2778 of 2015 on the file of the Additional Chief Metropolitan Magistrate, E.O.-I, Egmore, Chennai - 8 in the interests of justice.

2 The petitioner was arrested by the Customs officials at the Chennai International Airport on 07.08.2015 and was remanded to judicial custody on 08.08.2015 on the allegation that he was in illegal possession of gold. He was released on bail in Crl.M.P. No.2071 of 2015 on 10.08.2015 by the Trial Court. At the time of producing the accused for remand, the Customs officials had submitted his Indian passport to the Court. After his release on bail, the petitioner filed Crl.M.P.No.2778 of 2015 in R.R. No. 18 of 2015 under Section 451 Cr.P.C. for return of his passport, which was allowed by the Trial Court on 30.10.2015 on the following conditions:

"i On deposit of Rs.50,000/- cash security by the petitioner/accused and on executing a bond for Rs.50,000/- with two local sureties for the same amount.

ii petitioner/accused is directed to inform his arrival and departure during this period to the respondent/complainant then and there.

iii petitioner/accused is directed to surrender his passport before this Court on or before 29.04.2016 and also directed to appear before this court each and every hearings along with his passport.

Accordingly, this petition is allowed."

3 Seeking modification of the aforesaid conditions, this Criminal Original Petition has been filed.

4 Heard Mr. V.K. Sathyamurthy, learned counsel for the petitioner and Mr. Venkateswaran, learned Special Public Prosecutor appearing for the respondent.

5 On instructions, the learned Special Public Prosecutor submitted that complaint has not yet been filed in R.R. No.18 of 2015 and there are also no previous cases against the petitioner and post-release on bail, he is not involved in any other offence.

6 Mr. Sathyamurthy submitted that the petitioner is an Engineering graduate and is on the look out for employment. He further contended that on account of penury, he has not been able to raise Rs.50,000/-, as directed by the Trial Court in the order dated 30.10.2015 and hence, he had not even collected the passport from the Court.

7 Taking into consideration the previous and post-arrest conduct of the petitioner and the fact that the petitioner is an Indian national, this Court is of the view that no serious prejudice will be caused if the conditions imposed by the Trial Court are modified.

8 Accordingly, instead of Rs.50,000/- as directed to be deposited by the Trial Court, it would suffice if the petitioner deposits Rs.10,000/- and also executes a bond for Rs.10,000/- with one surety for the said amount. Thereafter, the Trial Court is directed to return the petitioner's passport to him. The petitioner shall submit a photocopy of his passport to the Customs officials and to the trial Court. As and when the petitioner wants to leave abroad, he shall file a memo before

the Trial Court giving details of his period of stay and place of stay.

With the above directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

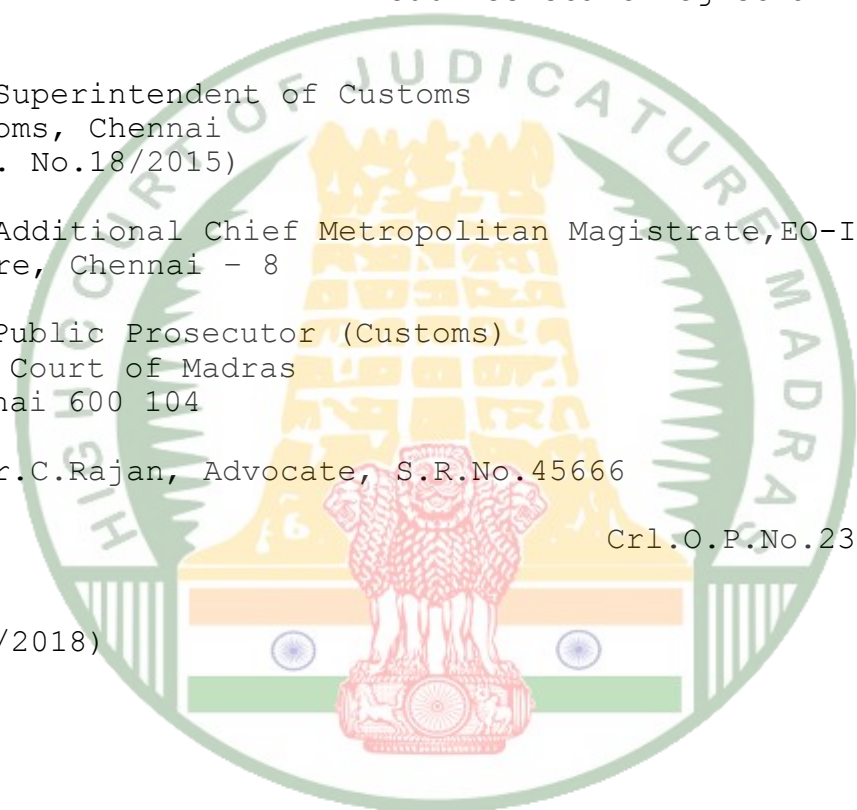
To

- 1 The Superintendent of Customs
Customs, Chennai
(R.R. No.18/2015)
- 2 The Additional Chief Metropolitan Magistrate,EO-I
Egmore, Chennai - 8
- 3 The Public Prosecutor (Customs)
High Court of Madras
Chennai 600 104

+3cc to Mr.C.Rajan, Advocate, S.R.No.45666

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VSNII (CO)
GSP (20/07/2018)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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