

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18473 of 2018

Kalaiselvi

... Petitioner

Vs

The State represented by
The Station House Officer
Chinna Selam Police Station
Villupuram District.

...Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to return the Indian Passport No.R 9829003 to the petitioner which is deposited before the learned Judicial Magistrate No.II, Kallakurichi, as per condition order made in Crl.MP.No.3759 of 2018 dated 21.06.2018 further modified in Crl.MP.No.4557 of 2018 dated 11.07.2018 in Crime No.383 of 2018 on the file of the respondent police.

For Petitioner : Mr.R.Kumaravel
For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to return the Indian Passport No.R 9829003 to the petitioner, which was deposited before the Judicial Magistrate No.II, Kallakurichi, as per the condition order made in Crl.MP.No.3759 of 2018 dated 21.06.2018 further modified in Crl.MP.No.4557 of 2018 dated 11.07.2018 in Crime No.383 of 2018 on the file of the respondent police.

2. On the complaint lodged by one Brinda, the respondent police registered a case in Crime No.383 of 2018 on 06.06.2018 for the offences under Sections 147, 294-B, 323, 342 and 506 (i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, against Sathish Sandhar (A1), Natarajan (A2), Kalaiselvi (A3), Annadhurai (A4) and Sekar (A5). Kalaiselvi (A3), Annadhurai (A4) and Sekar (A5) filed Crl.MP.No.3759 of 2018 under Section 438 Cr.P.C seeking anticipatory bail before the Sessions Court, Villupuram, in which, by order dated 21.06.2018, anticipatory bail was granted to Kalaiselvi (A3) and Sekar (A5) on condition that they should surrender before the Judicial Magistrate No.II, Kallakurichi, on or before 02.07.2018 and also deposit their passports. Accordingly, Kalaiselvi (A3) has deposited her

passport before the Judicial Magistrate No.II, Kallakurichi. Thereafter, Kalaiselvi (A3) filed CrI.MP.No.4557 of 2018 for returning of the passport on the ground that she was required to go abroad for her daughter's delivery. The Principal Sessions Judge, Villupuram, by order dated 11.07.2018 in CrI.MP.No.4557 of 2018 has modified the said condition to the effect that Kalaiselvi (A3) should deposit Rs.1,00,000/- (Rupees One Lakh Only) before the lower Court and collect her passport and after 9 months, she should surrender the passport before the lower Court. For modifying the said condition, Kalaiselvi (A3) is before this Court with the above prayer.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent-State.

4. The learned Government Advocate (CrI. Side) submitted that during course of investigation, the police have filed an alteration report dated 18.07.2018 before the Judicial Magistrate No.II, Kallakurichi, deleting the names of Kalaiselvi (A3), Annadhurai (A4) and Sekar @ Gnanasekar (A5) from the FIR in Crime No.383 of 2018. He produced a copy of the alteration report before this Court.

5. In view of the above, the order dated 11.07.2018 made by the Principal Sessions Judge, Villupuram, in CrI.MP.No.4557 of 2018, is hereby set aside and the Judicial Magistrate No.II, Kallakurichi, is directed to hand over the passport to Kalaiselvi (A3).

With the above direction, this petition is ordered, accordingly.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,
Villupuram.
- 2.The Judicial Magistrate No.II,
Kallakurichi.
- 3.The Station House Officer
Chinna Selam Police Station
Villupuram District.
- 4.The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr. R. Kumaravel, Advocate Sr.48791

CrI.OP.No.18473 of 2018

(CS-IX)

<https://hcservices.ecourts.gov.in/hcservices/>
EU (24/07/2018)