



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Cr1.O.P.(MD)No.10 of 2018

B.Babu @ Bhakrudeen

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
District Crime Branch,
Dindigul.

(Crime No.56 of 2009)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to modify the order passed by the learned Judicial Magistrate No.II, Dindigul, in Cr1.M.P.No.366 of 2010, dated 25.01.2010, insofar as surrendering the Passport of the petitioner, bearing No.G5789631, which is in the custody of the learned Judicial Magistrate No.II, Dindigul, in Crime No.56 of 2009 on the file of the respondent police.

For Petitioner	: Mr.K.M.Karunakaran
For Respondent	: Mr.K.S.Duraipandian
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the order passed by the learned Judicial Magistrate No.II, Dindigul, in Cr.M.P.No.366 of 2010, dated 25.01.2010, insofar as surrendering the Passport of the petitioner, bearing No.G5789631, which is in the custody of the learned Judicial Magistrate No.II, Dindigul, in Crime No.56 of 2009 on the file of the respondent police.

2.The counsel for the petitioner submitted that the petitioner has filed a petition seeking grant of bail before the Judicial Magistrate Court No.II, Dindigul, in Cr.M.P.No.366 of 2010. The learned Judicial Magistrate No.II, Dindigul, vide order dated 25.01.2010, granted bail to the petitioner by imposing a condition that he should surrender his passport with the Court. Accordingly, the petitioner/accused was released and his passport has been surrendered and the same is now, under custody of the Court. He further submitted that the passport was expired on 25.10.2017 and the same has to be renewed.



3.The learned Additional Public Prosecutor submitted that the investigation revealed that the documents and the addresses given by the accused are forged and the present petitioner involved in other crimes along with other accused and certain informations have to be gathered from the petitioner and therefore, the learned Judicial Magistrate No.II, Dindigul, vide order dated 25.01.2010, granted bail to the petitioner by imposing a condition that he should surrender his passport with the Court. Hence, he prays for dismissal of the Criminal Original Petition.

4.I have heard the learned counsel appearing for the parties and perused the materials available on record.

5.The order passed by the learned Judicial Magistrate No.II, Dindigul, perused. Before passing the impugned order, the learned Judicial Magistrate came to the conclusion that there may be the chance to the petitioner from leaving India, due to that reason and also considering the offence committed by the petitioner, which involves the welfare of the Country, the learned Judicial Magistrate directed to surrender the passport of the petitioner. So, the condition imposed by the learned Judicial Magistrate No.II, Dindigul, to surrender the passport of the petitioner while granting bail to him holds good and the same does not require any modification. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Dindigul.
2. The Inspector of Police,
District Crime Branch,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.K.M.KARUNAKARAN, ADVOCATE IN SR No. 40352

SMN2/GNS

TE/MR/SAR-1 : 24/01/2018 : 2P/5C

Cr1.O.P. (MD) No.10 of 2018
04.01.2018