



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE. N. SESHASAYEE

W.P. [MD].No.1558 of 2019

WEB COPY

Azeela @ Mary

: Petitioner

Vs.

1.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli District.

2.State represented by
the Inspector of Police,
Airport Police Station,
Tiruchirappalli City,
Tiruchirappalli District.
(Crime No.883 of 2010)

3.The Chief Immigration Officer,
Tiruchirappalli Airport,
Tiruchirappalli, Tiruchirappalli District. : Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents herein to issue No Objection Certificate so as to permit the petitioner to visit Sri Lanka on basis of the petitioner's representation dated 14/01/2019 pending Trial of the case in C.C.No.323 of 2014, on the file of the Learned Judicial Magistrate No.VI, Trichirapalli, Tiruchirappalli District.

For Petitioner	: Mr.A.Thiruvadikumar
For R1 & R2	: Mrs.S.Bharathi
	Government Advocate (Crl.Side)
For R3	: Mr.S.Jeya Singh

ORDER

The petitioner seeks permission to visit her ailing father living in Srilanka. The petitioner is a Srilankan Passport holder and now faces the offences under Sections 467, 468, 471 I.P.C. r/w 12(1)(a) of Pass port Act, r/w Section 14 of Foreigners Act in C.C.No.323 of 2014.

2.The petitioner claims that she has now obtained temporary Srilankan Passport valid upto 11.04.2019.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been implicated in the aforesaid offence vide First Information Report in Crime No.883 of 2010, dated 19.09.2010 and for the last nine years, she is king pin to this case and her mobility is largely restricted.



4. Every person is entitled to speedy trial, but that is denied to the petitioner, as a result of which, she has difficult time even to visit her ailing father in Srilanka.

5. Heard the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2 and she has filed a counter too.

6. The only apprehension expressed by the learned Government Advocate is that the petitioner may jump the law and the man appear again.

7. To this, the learned counsel appearing for the petitioner submitted that the petitioner's two minor school going children are in India and their passports can be deposited before the concerned Authorities.

8. Accordingly, this Court allows the Petition on the following conditions:-

a). The petitioner is directed to deposit the passports of her minor children Yunus and Ameera with the concerned Magistrate, which are returnable on her arrival to India.

b). Make a cash deposit of Rs.1,00,000/- (Rupees One Lakh only) with the concerned Court which is returnable on her arrival to India.

c). She shall execute a fresh bond for her appearance for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties for like sum, to the satisfaction of the Trial Court.

d). The petitioner is directed to intimate her details of the temporary passport proof of address where her father resides and where she is going to visit, both to the Trial Court and to the Investigating Officer.

e). The petitioner is also directed to intimate of date of departure and arrival to the Investigating Officer and also to the concerned Magistrate Court.

9. The petitioner is directed to report before the concerned Magistrate Court on 11.04.2019.

10. In view of the above, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (WRITS)

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To

1.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli District.

2.The Inspector of Police,
Airport Police Station,
Tiruchirappalli City,
Tiruchirappalli District.

1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-56747[F] dated
26/03/2019)

+1 CC to M/s.S.JEYASINGH, Advocate (SR-56732[F] dated 26/03/2019)

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DS/ /SAR- (27.03.2019) 3P 5C