

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.141 of 2021

in Crl.O.P.No.19397 of 2020

Selvaraj

... Petitioner

/Vs/

State Represented By
The Inspector of Police,
All Women Police Station,
Ulunderpet,
Villupuram District.
(Crime No.2 of 2017)

... Respondent

Prayer: Criminal Miscellaneous petition has been filed under Section 482 Cr.P.C. to modify the conditions imposed upon the petitioner that "(b) the petitioner shall report before the Additional Judicial Magistrate No.I, Ulundurpet, daily at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the Trial Court and (c) the petitioner shall surrender the passport before the concerned Court and the learned Trial Judge, shall return the passport after completion of the trial, in Crl.O.P.No.19397 of 2020 dated 10.12.2020 on the file of this Court.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

This Criminal Miscellaneous petition has been filed under Section 482 Cr.P.C. to modify the conditions imposed upon the petitioner that "(b) the petitioner shall report before the Additional Judicial Magistrate No.I, Ulundurpet, daily at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the Trial Court and (c) the petitioner shall surrender the passport before the concerned Court and the learned Trial Judge, shall return the passport after completion of the trial, in Crl.O.P.No.19397 of 2020 dated 10.12.2020 on the file of this Court

2. The learned counsel for the petitioner would submit that the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.19397 of 2020, dated 10.12.2020 in one of the condition imposed in paragraph No.6(b) that the petitioner shall report before the concerned Trial Court daily at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the Trial Court and one another condition in Paragraph No.6(c) is that the petitioner shall surrender the passport before the Trial Court and the learned Trial Judge was directed to return the passport after completion of trial.

3.The learned counsel would submit that the petitioner was employed in abroad and he returned to India through Hyderabad Airport and pursuant to the direction issued by the learned Judicial Magistrate No.I, Ulundurpet, the petitioner's passport was seized by the Immigration Authorities at Hyderabad Airport and it was sent to the Regional Passport Office at Madurai. Towards acknowledgement for the seizure, the immigration authorities had issued the "Passport Impound Slip" and the petitioner was instructed to collect the Passport through the Regional Passport Office at Madurai after enquiry.

4.The learned counsel for the petitioner would further submit that the petitioner in due compliance of order in Crl.O.P.No.19397 of 2020 surrendered before the learned Judicial Magistrate No.1, Ulundurpet on 30.12.2020 along with the sureties to execute the bond. Since the petitioner's passport was seized by the authorities, the petitioner had produced the "Passport Impound Slip" in lieu of seizure of his passport and offered to furnish sureties, whereas, the learned Trial Judge had returned the surrender application stating that the order passed by this Court in Crl.O.P.No.19397 of 2020 has not been complied with. The learned counsel would submit that if the condition in 6(c) is not modified, the petitioner may not be able to surrender and furnish sureties. He would further submit that the petitioner is also facing threat from the relatives of the defacto complainant and thereby there is an apprehension that the petitioner may not be able to appear before the concerned Court every day and thereby he would seek modification of the condition 6(c) also. The learned counsel for the petitioner would further submit that the petitioner is also ready to file necessary affidavit of undertaking before the concerned Court, stating that he will not leave the country till the disposal of the trial or till obtaining appropriate orders from this Court.

5.The learned Additional Public Prosecutor would submit that it is a case of the year 2017, since the petitioner did not appear before the respondent, the absconding charge sheet was filed. The petitioner while returned from abroad was detained at Hyderabad Airport and the petitioner's Passport was Impounded and is now in the custody of the Regional Passport Office at Madurai.

6. Heard the learned counsel on either side.

7. Taking into consideration, the facts and submissions made by the learned counsel, the conditional order passed by this Court vide order in Crl.O.P.No.19397 of 2020 dated 10.12.2020 in

Paragraph No.6 (c) is modified to the effect that the petitioner shall produce the "Passport Impound Slip" before the concerned Court and he shall also file an affidavit of undertaking before the learned Judicial Magistrate No.I, Ulundurpet stating that he will not leave the country till the disposal of the case or till getting appropriate orders from the High Court. In paragraph No.6(b) of the above said order is modified to the effect that the petitioner shall appear before the learned Judicial Magistrate No.I, Ulundurpet, daily at 10.30 a.m., for a period of one week and thereafter, the dates fixed by the Trial Court.

8. With the above directions, this criminal miscellaneous petition is ordered.

-sd/-

20/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, ULUNDURPET, VILLUPURAM DISTRICT.

2 THE ADDITIONAL JUDICIAL
MAGISTRATE NO.I, ULUNDURPET.

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ULUNDURPET, VILLUPURAM DISTRICT.

+2 C.C. to M/S. T.S.KANI Advocate on payment of necessary
charges SR.NO.574, 505

Order

in

CRL MP.141/2021

in

CRL OP.19397/2020

Date :20/01/2021

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