



Crl.MP No.1305 of 2021 in

Crl.OP No.6106 of 2019

N.ANAND VENKATESH, J

This petition was filed seeking for modification of condition 5 (c) while granting anticipatory bail to the petitioner in Crl.OP No.6106 of 2019, by order dated 19.03.2019.

2. When the matter came up for hearing on 17.02.2022, this Court passed the following order :-

*The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the investigation was completed and the final report was filed before the learned Judicial Magistrate, II, Karaikal on 08.04.2019 and the same is yet to be taken on file. The learned Judicial Magistrate II, Karaikal, is directed to act upon the final report within a period of four weeks.*

3. *The petitioner, who is arrayed as A2 in this case is directed to file an affidavit by giving the entire particulars and also providing the specific time lines as to when he will leave and when he will get back to India. That apart, the*



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*petitioner must also provide the address for communication as well as his contact number at France. Since the case involves a chit fund fraud, the petitioner shall also arrange for two Government Sureties.*

3. Thereafter, the learned Additional Public Prosecutor took instructions and submitted before this Court that the son and daughter of the petitioner are not willing to permit the petitioner to stay in their house at France. When this was informed to the learned counsel for the petitioner, the learned counsel sought for some time to take instructions from the petitioner and to file an affidavit.

4. The matter was taken up for hearing today and an affidavit has been filed by the petitioner. The relevant portions in the affidavit are extracted hereunder :-

*4. I state that the passport belongs to me bearing No.11AD07008 is now under the custody of the Judicial Maistrate II Karaikal got expired and the above passport has to be renewed at the earliest to avoid further penalties.*

*5. I state that I was employed at French Army and also a pension holder and for receiving my pension*



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*continuously I have to undergo regular medical check-ups as prescribed by the French Government.*

*6. I further state that I am also eligible for private pension and the above details has to be updated in pension particulars in France Periodically. I state that as I had served in the French Army, I can apply for personal loan and the repayment would be debited from my pension account. It is also essential for my present financial condition.*

*7. I state that since my children are not willing to accomodate me on my travel to France. During my visit to the said destination, I have planned to stay at any of the below mentioned hotels*

*1. Hotel Les Deuxgares*

*2 Rue Des Deuxgares, 75010 - Paris*

*2. Hotel Habituel*

*168, Rue De Foubourg Saint Denis*

*75010 - Paris*

5. The petitioner is holding a french passport and the period has expired on 24.01.2021 and it requires renewal. The petitioner has provided the particulars of the place where he is going to stay in france while applying for renewal of the passport. The



learned counsel for the petitioner submitted that this process will be completed within a period of three months and thereafter, the petitioner will return back and surrender the renewed passport before the Judicial Magistrate II, Karaikal.

6. Taking into consideration the submissions made on either side and on considering the facts and circumstances of the case, this Court is inclined to modify condition No.5 (c) as follows:-

(a) The petitioner shall file a petition along with this order before the learned Judicial Magistrate II, Karaikal and seek for the return of passport for the purpose of renewal. The learned Judicial Magistrate II, Karaikal shall return the passport to the petitioner upon filing such an application.

(b) The petitioner is directed to provide two Government Sureties, who will stand as a surety to ensure that the petitioner returns back to india after renewal of the passport. The learned Judicial Magistrate II, Karaikkal shall ensure that the Government surieties are not the same persons, who stood as surieties when the petitioner was granted anticipatory bail.

(c) The petitioner shall provide all the particulars of his Stay and contact numbers to the



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respondent and shall respond as and when the respondent wants to get in touch with the petitioner during his stay at France.

(d) The petitioner shall complete the process of renewal and return back to India on or before 31.08.2022. and

(e) On returning back to India, the petitioner shall surrender the passport before the learned Judicial Magistrate II, Karaikal and on compliance of this condition, the surety given by the Government servant shall be cancelled.

7. This petition is disposed of accordingly.

13.04.2022

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