

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3444 of 2021

VINESH MANOHAR
S/o.Manohar

.. Petitioner

Vs.

State rep by its
THE INSPECTOR OF POLICE
W-19, All Women's Police Station
Adyar, Chennai
Crime No.16/2020

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Crimininal Procedure Code for direction to return the petitioner's original passport No.T8825354 dated of issue 17.09.2019 valid up to 16.09.2029 surrendered before the learned IX Metropolitan Magistrate Court at Saidapet, Chennai, in Crime No.16 of 2020 pending on the file of the Inspector of Police, W-19, All Women's Police Station, Adyar, Chennai.

For Petitioner : Mr.M.Vimal Bobby Crimson
For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed for direction to return the petitioner's original passport No.T8825354 (date of issue 17.09.2019 valid up to 16.09.2029) surrendered before the learned IX Metropolitan Magistrate Court at Saidapet, Chennai, in Crime No.16 of 2020 pending on the file of the respondent police.

2. The learned Counsel for the petitioner would submit that the petitioner is an accused in Crime No.16 of 2020 registered by the respondent for offence under Sections 417, 294(b), 376 of IPC and Section 506(I) of IPC on the complaint given by one Shilpa. He would submit that the petitioner had approached this Court seeking for anticipatory bail vide Crl.O.P.No.16875 of 2020 and this Court by order dated 02.11.2020 had granted anticipatory bail to the petitioner by imposing certain conditions and one of the condition was that the petitioner to surrender his passport before the concerned Magistrate at the time of executing bond. He would submit

that in due compliance of the order, the petitioner had deposited his passport and the same is now in the custody of the IX Metropolitan Magistrate, Saidapet, Chennai. Subsequently, the petitioner had approached this Court by filing a quash petition in CrI.O.P.No.1042 of 2020 and this Court by order dated 29.01.2020 in CrI.M.P.No.646 of 2021 had granted interim stay of investigation in Crime No.16 of 2020 until further orders. He would submit that the petitioner had co-operated with the investigation by subjecting himself for all medical examination and the major part of investigation is also over. He would submit that the petitioner is a MBBS graduate and that during last year the petitioner had applied to appear for a training in non-funded & non-paid clinical experience at Brooklyn, New York and the petitioner was selected to undergo the said training course and when the petitioner was taking steps to go to USA, the case came to be registered due to which, the petitioner was unable to attend the Training. He would submit that the petitioner being a bright student has applied for the training once again and there is a chance for the petitioner getting selected this year also for which, the petitioner has to travel abroad and thereby the passport is required. Hence, the present petition has been filed seeking for direction to return of passport. He would submit that the petitioner only intends to undergo training course at USA and that he will be granted only a temporary VISA and after completion of training, he will return to India. He would further submit that the petitioner is prepared to give his travel details and the details of his stay in USA along with his contact details and that as and when the respondent requires the presence of the petitioner, the petitioner is prepared to appear before the respondent for further investigation. He would reiterate that due to the stay granted by this Court, there is no progress in the investigation and hence, the presence of the petitioner in India may not be required at present. Thereby, he would seek for return of passport. He would submit that the father and mother of the petitioner are prepared to stand as surety to him.

3. The learned Additional Public Prosecutor would submit that the petitioner is the first accused in Crime No.16 of 2020 registered on the complaint of one Shilpa. He would submit that the investigation has been stayed by this Court vide CrI.M.P.No.646 of 2021 in CrI.O.P.No.1042 of 2020 by order dated 29.01.2021 until further orders.

4. Heard the learned Counsels on both sides.

5. Taking into consideration the above facts and circumstances, this Court is inclined to direct learned Magistrate to return the passport.

6. Accordingly, the learned IX Metropolitan Magistrate Court at Saidapet, Chennai, is directed to return the petitioner's original passport No.T8825354 surrendered by him

in Crime No.16 of 2020 subject to the following conditions;

a. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties (one of the surety shall either be the father or the mother of the petitioner), each for a like sum to satisfaction of the learned IX Metropolitan Magistrate Court at Saidapet, Chennai.

b. The petitioner shall file an affidavit of under taking that he will return to India as and when required by the respondent for the progress of investigation.

c. The petitioner shall furnish copy of the U.S. Visa and intimate his travel details, period of stay in USA and the residential address in USA along with contact details viz. Mobile number, e-mail i.d. etc. to the respondent before leaving India.

7. With the above observations, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. THE IX METROPOLITAN MAGISTRATE COURT
SAIDAPET, CHENNAI

2. THE INSPECTOR OF POLICE
W-19, ALL WOMEN'S POLICE STATION
ADYAR, CHENNAI

3. THE PUBLIC PROSECUTOR,
HIGH COURT OF MADRAS,
CHENNAI-104.

+1cc to Mr..M.Vimal Bobby Crimson , Advocate SR.No. 14903

Cr1.O.P.No.3444 of 2021

A.SK(30.03.2021)