



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Eighth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL MISCELLANEOUS PETITION No.12118 of 2021

IN CRL OP.23623/2018

RANVIR R SHAH

[ PETITIONER/ACCUSED NO.14] ]

Vs

1 THE STATE REP BY  
THE DEPUTY SUPERINTENDENT OF POLICE,  
IDOL WING , C.I.D.,  
CHENNAI-600 032

[ RESPONDENT NO.1]

2 THE REGIONAL PASSPORT OFFICE(CHENNAI), [RESPONDENT NO.2]  
ROYALA TOWERS, NO.2 AND 3, IV FLOOR,  
OLD NO.785, NEW NO.158, ANNA SALAI,  
CHENNAI-600 002

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a direction to the respondents No.1 to return petitioners passport bearing No.Z2356205 issued by the respondent No.2 surrendered in Crime No. 2 of 2016 in connection with Crl.O.P.No.23623 of 2018 for purpose of renewing the petitioners passport and overseas travel for specified period.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S K. THANGARASU, Advocate for the petitioner and of MR.N.S.SUGANTHAN, Govt. Advocate ( Crl. Side) on behalf of the 1<sup>st</sup> Respondent the court made the following order:-

The present petition has been filed to issue direction to respondent No.1 to return the petitioner's passport bearing No.Z2356205 issued by the respondent No.2, surrendered in Crime No.23623 of 2018 for the purpose of renewing same t and overseas travel for specified period.



2. The case of the prosecution is that the case in Idol Wing CID in Cr.No.2/2016, under Sections 41(1) (d) of Cr.P.C @ 457(2), 380(2), 411(2) of IPC and 25(1) AAT Act 1972 is registered on 30.05.2016 against 25 accused, in which, the petitioner was arrayed as A-14. The accused tried to smuggle Garudazhvar idol which is more than 1000 years old and also idols of Hindu deities to Mumbai and one Man Singh was arrested in this connection and on enquiry, he told that all the idols belongs to one Deenadayal and his son Giri Dayal and they received stolen idols illegally for exporting the same foreign countries. Giridayal and his wife were staying in America and assisting Deenadayal in his illegal business for sale of antiquities. During the course of investigation, the petitioner was enlarged on bail, but 230 properties have been seized from him.

3. The learned counsel appearing for the petitioner would submit that the petitioner has filed a petition before this Court in Crl.O.P.No.23623 of 2018, seeking anticipatory bail. At the time of hearing on 01.11.2018, the learned senior counsel appearing for the petitioner stated that the petitioner is not inclined to go to abroad and in order to show his bonofides he is ready and willing to surrender his passport to the Investigating Officer". Hence, this court directed the petitioner to surrender his passport to the Investigating Officer forthwith. Accordingly, the petitioner surrendered his passport and his passport was now under the custody of Idol Wing CID.

4. The learned Government Advocate would submit that if he is allowed to travel overseas, he may abscond, so that the entire proceedings would be stalled. Thus he prayed for dismissal of this petition.

5. Based upon that the anticipatory bail was granted to him and now after obtaining the same, now the petitioner come forward with this application seeking permission to renew his passport and also to go abroad for a specific period in order to attend his family function.

6. Perusal of the records would reveals that at the time of granting anticipatory bail, the petitioner undertook that he is not inclined to go abroad and in order to show his bonafide, he is ready and willing to surrender his passport to the Investigating Officer. But, now, contrary to such undertaking, he filed this application seeking permission not only to renew his passport but to go abroad to attend his family function.

7. It is seen that this Court has earlier granted anticipatory bail to him only based upon his undertaking that he will surrender his passport as he is not inclined to go to abroad, but now he filed this application seeking a prayer, which is contrary against his



own undertaking. Further, as rightly pointed out by the learned Government Advocate, if he is allowed to travel overseas, he may abscond, so that the entire proceedings would be stalled. Having availed the benefit of the order of this Court from the year 2018, now he wants to go against his undertaking which cannot be permissible in law. Therefore, this court is of the view that this petition is not maintainable in law, hence the same is liable to be dismissed as not maintainable.

8. Accordingly, this Criminal Miscellaneous Petition is dismissed.

-sd/-  
08/12/2021

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 ADDITIONAL CHIEF JUDICIAL MAGISTRATE,  
KUMBAKKONAM [FAC]], KUMBAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
KOMBAKONAM. [FOR INFORMATION]

3 THE DEPUTY SUPERINTENDENT OF POLICE,  
IDOL WING, C.I.D,  
CHENNAI-600032.

4 THE REGIONAL PASSPORT OFFICE (CHENNAI),  
ROYALA TOWERS, NO.2 AND 3,  
IV FLOOR, OLD NO.785, NEW NO.158,  
ANNA SALAI, CHENNAI-600 002

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.



6 THE IDOL WING OFFICIALS,  
THIRUCHIRAPPALLI.

C.C. to M/S K. THANGARASU Advocate on payment of necessary  
charges

Order  
in  
CRL MP.12118/2021  
in  
CRL OP.23623/2018  
Date :08/12/2021

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CSK 10/01/2022