



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23723 OF 2021

R.Bharathi,
W/o, Ramanathan

...Petitioner

Versus

1.The Superintendent of Police,
(Originating Agency),
North Zone, Crime Branch CID,
Old Commissionerate Campus,
Pantheon Road,
Egmore, Chennai - 600 008.

2.The Assistant Director,
Bureau of Immigration Level-V,
East Block-VIII Sector-I,
R.K.Puram,
New Delhi.

3.The Foreigners Regional Registration Officer,
Shastri Bhavan Building Annex,
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

4.State by
Deputy Superintendent of Police,
CBCID-North, Kancheepuram
At Pantheon Road,
Egmore, Old Commissionerate Campus,
Chennai -600 008.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to withdraw the Look-out Circular issued against this petitioner in Crime No.1 of 2021 on the file of the 4th respondent.

For Petitioners : Mr.R.Vijayakumar

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed to direct the respondents to withdraw the Look-out Circular vide suspect No.2146147 vide No.1 SIC(ACK) LOC/2021-7444, dated 06.08.2021 issued against the petitioner in Crime No.1 of 2021.

2.The contention of the petitioner is that she is falsely implicated in the above said case. The petitioner got married in the year 2014 and was living in Manila, Phillipines in the year 2019 and thereafter, she was living in Dubai along with her husband. On the date of occurrence i.e., on 18.12.2015, the petitioner was not in India. The above case registered six years after the alleged occurrence and the report was given only on 13.06.2021. During investigation, the petitioner was not called for any enquiry. Since A1 in this case is a popular personality and well-known person, the case was widely covered by all media. The case in Crime No.1 of 2021 culminated into three charge sheets and one case is numbered as Special S.C.No.69 of 2021. The petitioner approached this Court seeking Anticipatory bail in Crl.O.P.No.20438 of 2021, wherein this Court finding that the investigation has already been completed and charge sheet has been filed before the concerned Court, directed the petitioner to appear before the trial Court and to file a petition under Section 88 Cr.P.C. The trial Court sent summons and e-mail on 28.10.2021 mentioning the hearing date as 10.11.2021.

3.Learned counsel for the petitioner would further submit that the case is posted before the trial Court today. The petitioner(A2) filed a petition under section 317 Cr.P.C before the trial Court and the same was allowed and the case is posted to 08.12.2021. He would further submit that the petitioner shall appear before the trial court on 08.12.2021 without fail. The petitioner intends to reach India on 08.12.2021 at 4.20 a.m from Dubai. Travelling tickets produced and the copy of the same handed over to the learned Additional Public Prosecutor.

4.He would further submit that in view of the issuance of summons and receipt of communication through Email, the question of the petitioner still termed as absconding accused will not arise. The only apprehension of the petitioner is that when she reaches Chennai tomorrow i.e., on 08.12.2021, the Emigration authorities will hand over the petitioner to the respondent police. In view of the same, some clarification is necessary, so that the petitioner is not detained and she shall appear before the trial Court on 08.12.2021.

5.Learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner is involved in



serious offence along with A1. The petitioner was employed under A1. The petitioner on coming to know about the registration of F.I.R., got absconded and did not participate in investigation. Thereafter, with difficulty, investigation was completed and final report filed before the concerned Court in this case. The petitioner's contention that she is falsely implicated and she was not present on the date of the alleged occurrence and claiming plea of alibi have to be proved by producing evidence and material during trial.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

7. The petitioner is shown as accused in Crime No.1 of 2021 and on completion of investigation, charge sheet was filed before the trial Court. The trial Court took cognizance of the case in Special S.C.No.69 of 2021 as against the petitioner and issued summons for appearance. Thereafter, the respondents forwarded the summons to Dubai address of the petitioner, which is made known. Hence, the averment against the petitioner that she was absconding in foreign country, cannot be accepted. Further, this Court earlier directed the petitioner to execute a bond under section 88 Cr.P.C., and today, the petitioner filed a petition under section 317 Cr.P.C., before the trial Court and the same was allowed. In view of the same, the petitioner cannot be termed as absconding person any more. The petitioner clearly shown her inclination to participate in the trial. Further, the copy of the air ticket produced today.

8. In view of the same, this Court finds that the reason given earlier for Look Out Circular no longer exists. The second and third respondents are directed not to detain the petitioner holding passport No.24555914 pursuant to any Lookout Notice and Look Out Circular issued vide LOC Suspect No.2146147 vide No.1 SIC(ACK) LOC/2021-7444, dated 06.08.2021 for securing her.

9. With the above directions, the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

mfa



To

1. The Superintendent of Police,
(Originating Agency),
North Zone, Crime Branch CID,
Old Commissionerate Campus,
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2. The Assistant Director,
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At Pantheon Road,
Egmore,
Old Commissionerate Campus,
Chennai -600 008.
5. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.R.G.Vijaya Kumar, Advocate SR.No.64504

CRL.O.P.No.23723 of 2021

JPL(CO)
RVM(07/12/2021)