



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5856 of 2021

Althaf,
S/o. Albdul Asis, 191/1 Aruguvilai,
Krishnakovil, Vadasery, Kanyakumari District.

... Petitioner/Accused

Vs

The Inspector of Police,
Vadasery Police Station,
Kanyakumari District
Cr No. 274/2018.

... Respondent/Complainant

For Petitioner : M/s.Aravinthan.G.,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

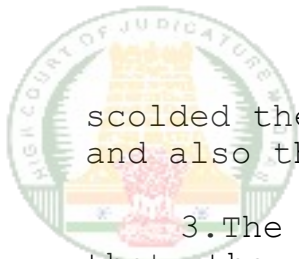
PRAYER :-

C-8M.To Modify the condition No. 1 imposed upon the Petitioner to surrender his Passport the concerned court in Crl. m. P No. 2082/2021 order Dated 15.04.2021 on the file of the Principal Sessions Judge Kanyakumari Nagercoil

ORDER : The Court made the following order :-

This criminal original petition has been filed to modify the condition No.1, imposed upon the petitioner to surrender his passport before the concerned Court vide order made in Crl.M.P.No.2082 of 2021 dated 15.04.2021 on the file of the Principal Sessions Judge, Kanyakumari at Nagercoil.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. The defacto complainant gave a complaint against the petitioner for dowry harassment. Whiles, on 18.06.2018 during enquiry, the enquiry officer advised the parties to talk separately. During that time, the petitioner



scolded the defacto complainant in filthy language and caused injury and also threatened her. Hence, the present complaint given.

3.The learned counsel appearing for the petitioner submitted that the petitioner filed a petition for anticipatory bail in Crl.M.P.No.2082 of 2021 before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil. The Court below granted anticipatory bail to the petitioner with a condition that he should surrender his passport before the concerned Court. He further submitted that if the petitioner surrender his passport, he will lose his job. Hence, seeking modification of the above said condition, the petitioner filed the present petition.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that the petitioner has been secured by the respondent police at Airport when he came to India by issuing look out circular.

5.It is seen from the submissions made that the condition was imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil and the petitioner prayed for modification of the same. Since the condition was imposed by the Principal Sessions Judge, Kanyakumari District at Nagercoil, this Court is not inclined to entertain this petition and the petitioner is at liberty to file a petition for appropriate relief before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil. Accordingly, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The Principal Sessions Judge,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-17466[F] dated 26/04/2021)

CRL OP(MD) No.5856 of 2021
23/04/2021

AS(28.06.2021) P5C