



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Jurisdiction
Friday, the Eighteenth day of March Two Thousand
and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL MP(MD)No.3635 of 2022
in
Crl.RC(MD)NO.938 of 2021

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Rajasekara Pandiyan ... Petitioner/Petitioner
Vs

The State Rep. By
The Inspector of Police,
Kadaladi Police Station,
Crime No.260 of 2020. ... Respondent/Respondent

Prayer in Crl.MP(MD)NO.3635 of 2022 :- Criminal Miscellaneous
Petition filed under Section 482 of Cr.P.C., to grant further
Extension of Time to stay at Abu Dhabi for the period of 5 months in
Crl.RC(MD)No.938/2021 dt.16/12/2021.

Prayer in Crl.RC(MD)No.938 of 2021:- Criminal Revision is filed
under Section 397 r/w 401 of the Criminal Procedure Code, against
the order passed in Cr.M.P.No.817 of 2021, dated 03.12.2021 on the
file of the District Munsif cum Judicial Magistrate, Kadaladi.

ORDER:- This Criminal Miscellaneous Petition coming on for orders
on this day and upon perusing the petition and the affidavit filed
in support thereof and upon hearing the arguments of Mr.Ajmal Khan,
Senior Counsel for Mr.K.Sudalaiyandi, Advocate for the Petitioner
and of M/s.Aasha, Government Advocate(Crl.side) for the Respondent,
this Court made the following order:-

This petition has been filed to grant further extension of time
to stay at Abu Dhabi for the period of five months, in Crl.RC(MD)
No.938 of 2021, dated 16.12.2021.

2.The petitioner is an accused in Crime No.260 of 2020,
registered for the offences under Sections 294(b), 417, 506(i) and
379 IPC. Pursuant to the said crime number, the petitioner
apprehended arrest and filed anticipatory bail petition before this
Court in Crl.OP(MD)No.12166 of 2020. The same was dismissed and
again, he filed another petition in Crl.OP(MD)No.501 of 2021 and he
was granted anticipatory bail on 02.08.2021.

3.However, pursuant to the registration of case, the Look Out
Circular (LOC) was issued as against the petitioner for

<https://hcservices.ecourts.gov.in/hcservices/>



investigation purpose and that was challenged before this Court in WP(MD)No.16701 of 2021 and the petitioner was directed to approach the Court below. Accordingly, the petitioner approached the Court below and filed a petition in Crl.MP.No.817 of 2021 and the same was dismissed.

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4. Aggrieved by the same, the petitioner preferred a revision in Crl.R.C(MD)No.938 of 2021 and this Court, by an order, dated 16.12.2021, allowed the petition on following conditions:

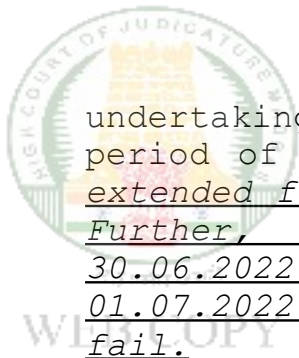
- i. The petitioner must produce the notary copy of the passport to the jurisdictional Magistrate concerned within a period of 15 days from the date of receipt of a copy of this order;
- ii. The petitioner must execute a personal bond for a sum of Rs.1,00,000/- (one lakh only) along with two sureties for a likesum, which must be the blood relatives of the petitioner to the satisfaction of the District Munsif cum Judicial Magistrate, Kadaladi;
- iii. After execution of the bonds, the District Munsif cum Judicial Magistrate, Kadaladi, shall issue 'No-objection Certificate' to the petitioner to travel abroad namely Abu Dhabi;
- iv. The petitioner must share his phone/mobile number with the respondent police and must keep in touch with the respondent police till he returns to India; and
- v. The petitioner must also file an undertaking affidavit stating that he will return to India within a period of three months, from the date of receipt of a copy of this order and he must also inform the trial court about the address of staying in abroad along with phone/mobile number, email.

5. Accordingly, the petitioner has to return to India, within three months from the date of that order. However, the petitioner got affected with Covid-19 and as such, the petitioner could not be able to reach Abu Dhabi immediately and he reached Abu Dhabi only on 21.01.2022. Due to his late arrival, he could not be able to continue his new project at Abu Dhabi.

6. Further, the learned Senior Counsel appearing for the petitioner submitted that the defacto complainant is also now at Abu Dhabi and as such, five more months may be extended, for his stay at Abu Dhabi.

7. The learned Additional Public Prosecutor submitted that the investigation has been completed in Crime No.260 of 2020 and final report has been laid before the District Munsif cum Judicial Magistrate, Kadaladi and it is pending for committal in P.R.C. No.5 of 2022.

8. Considering the above, the time granted to the petitioner, by this Court in Crl.R.C.(MD)No.938 of 2021, to file an



undertaking affidavit stating that he will return to India, within a period of three months, from the date of a copy of the order, is extended for further period of three months, viz., upto 30.06.2022. Further, the petitioner shall return to India on or before 30.06.2022 and shall report before the respondent police from 01.07.2022, for a period of one week, daily at 10.00am, without fail.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

1. The District Munsif cum
Judicial Magistrate,
Kadaladi, Ramanathapuram District.

2. -do- Through The Chief Judicial Magistrate,
Ramanathapuram District.

3. The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.

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

+ 1 CC to M/s.K.Sudalaiyandi, Advocate, SR.No.13076

ORDER DATED : 18/03/2022

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ORDER

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CRL MP (MD) No.3635 of 2022

in

CrI.RC (MD) No.938 of 2021

Giving direction and etc.
as stated within.

RK(31/03/2022) 3P 6C