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Crl.M.P.No.14616 of 2023

in Crl.O.P.No.8713 of 2023

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A.D.JAGADISH CHANDIRA, J.

This petition has been filed to direct the learned District and Sessions Judge, Special Court for PMLA Cases, Chennai/Principal Judge, City Civil Court, Chennai, to return the original passport of the petitioner, which was surrendered by an order dated 05.05.2023 in Crl.O.P.No.8713 of 2023.

2. Mr. K.Ravi, learned Senior counsel appearing for the petitioner would submit that the petitioner was arrested by the respondent police pursuant to the case registered in ECIR/CEZO-1/17/2020 for the offences under Sections 3 and 4 of Prevention of Money Laundering Act. This Court, by an order dated 05.05.2023 in Crl.O.P.No.8713 of 2023, had granted bail to the petitioner with certain conditions. One of such conditions is that he shall deposit the passport/travel document before the Court; in the event of any petitioner not possessing passport, he shall file necessary affidavit to that effect. The petitioner, after due compliance of all the conditions including depositing of



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Crl.O.P.Nos.30980 of 2019, etc batch cases

his original passport, was released on bail on 11.05.2023. He would further submit that the petitioner is an investor, having business transaction with several persons including the defacto complainant by the name Suresh Venkatachari and there is no allegation as against the petitioner as if the petitioner had abetted or involved in the offence of money laundering. Subsequently, the case registered in Crime No.39 of 2019 pending on the file of the CCB, Chennai was also quashed by this Court dated 10.05.2023 in Crl.O.P.Nos.30980 of 2019, etc batch cases. As on date, the case in respect of the predicate offence has been quashed and in view of the decision of the Hon'ble Apex Court in *Vijay Madanlal Choudhary's* case, nothing survives for adjudication before the Enforcement Director also. He would submit that for no reason the petitioner's passport is held in the custody of the Court.

3. He would further submit that in compliance of the bail condition, the petitioner has also deposited the documents of immovable properties worth about Rupees two Crores before the concerned Court and the petitioner has also been regularly appearing before the respondent at Mumbai pursuant to the modification of a condition passed by this Court on 07.06.2023. The petitioner,



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on summons, appeared before the respondent and the petitioner, at no point of time, attempted to abscond or evade to appear before the respondent police.

The petitioner has to travel abroad for his business dealings and therefore, his passport is required. Therefore, the present petition has been filed seeking for return of passport.

4. The respondent has filed a detailed counter. Mr.Sidharthan, learned Special Public Prosecutor appearing for the respondent would submit that though the case in respect of predicate offence has been quashed, the respondent has filed SLP before the Hon'ble Supreme Court against the quashing of the FIR in Crime No.39 of 2019 and he would further submit that petitioner has also not disclosed the details and the reasons regarding his travel.

5. In reply, Mr.K. Ravi, learned counsel for the petitioner would submit that the petitioner is ready to furnish the itinerary of the travel to the respondent police. He would also submit that in respect of the co-accused, this Court had also granted permission for return of passport and travel to abroad,



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by an order dated 27.09.2023 in Crl.O.P.No.8834 of 2023.

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6. This Court considered the matter in the light of the submissions made by the learned counsel on both sides and perused the materials available on records carefully.

7. The petition has been filed seeking for a direction to return the passport, which was deposited before the concerned Court as per the order of this Court dated 05.05.2023 in Crl.O.P.No.8713 of 2023 and permit him to travel abroad. It is also the case of the petitioner that the case in respect of the predicate offence has been quashed by this Court and as on date, nothing survives for adjudication against him. It is also stated that apart from depositing the passport, the petitioner has also deposited his original title deeds of immovable property worth more than Rupees two Crores before the Concerned Court.

8. Taking into consideration the facts and circumstances and the submissions, the condition 15(c) imposed in Crl.O.P.No.8713 of 2023 is



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modified, and the learned District and Sessions Judge, Special Court for PMLA Cases, Chennai, is directed to return the passport of the petitioner subject to the following conditions:-

- (i) The petitioner shall furnish two sureties, who shall execute a bond for a sum of Rs.50,000/- each. Out of which, one surety shall be the blood relative of the petitioner.
- (ii) Whenever the petitioner travels abroad, he shall furnish the itinerary along with international roaming number and E-mail ID to the respondent.

9. With the above modification this petition stands allowed.

20.11.2023

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