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Crl.M.P.No.18412 of 2023

in

Crl.O.P.No.5649 of 2023

A.D.JAGADISH CHANDIRA, J.

This petition has been filed to modify the condition imposed upon the petitioner, by this Court in Crl.O.P.No.5649 of 2023 dated 31.03.2023.

2. Learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.35 of 2023 registered by the respondent Police for the offence under Sections 420 of IPC r/w 34 of IPC. He further submitted that the petitioner is an Indian citizen and she has been granted residential status in France and thereby, she possesses the French Residential Card. He also submitted that the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.5649 of 2023 dated 31.03.2023 with certain conditions, in which one of the conditions is that the petitioner is directed to surrender her original passport before the concerned Magistrate and thereby, in due compliance of the order, the petitioner has deposited her original passport bearing No.Z5898536 before the Court concerned.



3. He further submitted that the petitioner's French Residential Card expired on 29.04.2023 and she had applied to the French Embassy to renew her Residential Card and the interview has been fixed on 27.11.2023, for which, the petitioner has to appear before the authorities with her original passport and thereby, passport is required. He also submitted that already, Look Out Circular is pending as against the petitioner, thereby, there is no possibility of the petitioner to escape from the clutches of law. Therefore, he seeks that the condition may be modified and a direction may be issued to the learned Magistrate to return the petitioner's passport temporarily for enabling her to renew her French Residential Card. He further submitted that the petitioner also undertakes that she shall file an Affidavit of Undertaking that she will not leave India without obtaining permission from the Court concerned.

4. Learned Public Prosecutor (Puducherry) appearing for the respondent submitted that when the case is pending against the petitioner, she may not be entitled to renewal of her French Residential Card. He further submitted that the lookout circular (LOC) is also pending against the petitioner. However, he opposed for modifying the condition.



5. Mr.M.R.Thangavel, the learned counsel appearing for the Intervenor submitted that the petitioner and her husband are accused in this case. He further submitted that it is the case where, the petitioner along with her husband had cheated the *de facto* complainant to the tune of Rs.19,00,000/- on the promise of obtaining job in France. He also submitted that the husband of the petitioner is still absconding and if the condition is modified, there is every possibility of the petitioner to escape from the clutches of law. Hence he opposed for modifying the condition.

6. Heard both sides and perused the materials available on record.

7. It is seen that the petitioner is an Indian citizen holding French Residential Card and she has filed this petition seeking to return his Indian passport bearing No.Z5898536 for the purpose of renewing her French Residential Card. Also, it is reported by the learned Public Prosecutor (Puducherry) that an LOC is pending against the petitioner, thereby, this Court is of the opinion that the petitioner will not be able to get out of the country, and there may not be any problem in returning the passport for a temporary period for renewing her French Residential Card.



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A.D.JAGADISH CHANDIRA, J.

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8. Thereby, in view of the above, the learned Magistrate is directed to return the original passport of the petitioner on condition that the petitioner filing an Affidavit of Undertaking that she will not leave India without obtaining permission from the Court. Further, the petitioner, within a period of three weeks after renewing her French Residential Card, should redeposit her original passport before the Court concerned.

9. With the above direction, this Criminal Miscellaneous Petition stands ordered.

23.11.2023

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Note : Issue order copy today (23.11.2023)

***Crl.M.P.No.18412 of 2023
in Crl.O.P.No.5649 of 2023***