



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Seventh day of February Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.3301 of 2023
IN
CRL OP(MD) No.14171 of 2022

1 SENTHIL ANANTH ... PETITIONER/ACCUSED NO.1

Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
AWPS PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.16 OF 2022) ... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition imposed in Crl.OP.No.14171 of 2022 dated 14.11.2022 passed by this Honble Court in so far as the condition direction the petitioner to surrender his original passport before the learned Judicial Magistrate, Pattukottai

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.GANDHI, SENIOR COUNSEL FOR GANDHI ASSOCIATES, Advocate for the petitioner and of M.VEERANTHIRAN, GOVERNMENT ADVOCATE (CRIMINAL SIDE) on behalf of the Respondent the court made the following order:-

This petition has been filed seeking to modify the condition imposed by this Court in Crl.O.P.(MD)No.14171 of 2022, dated 14.11.2022 and to return back the original passport of the petitioner.

2.The learned Senior Counsel appearing for the petitioner would submit that the petitioner is arrayed as A1 in Cr.No.16 of 2022 on the file of the respondent Police registered for the offences punishable under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act. He would also submit that the petitioner was granted anticipatory bail by this Court in Crl.O.P(MD)No.14171 of 2022, dated 14.11.2022 with certain conditions. Among other conditions, the petitioner was directed to deposit his original passport before the learned Judicial Magistrate, Pattukottai, while executing the surety.



3.The learned Senior Counsel for the petitioner would also submit that in due compliance of the order of this Court, the petitioner has surrendered before the Court concerned and executed sureties and he has also surrendered his original passport before the learned Magistrate. He would also submit that now the major part of the investigation is over. The petitioner has cooperated with the respondent for the investigation. He would further submit that due to the condition imposed, the petitioner is unable to travel abroad. He would also submit that it is a case, which has been registered based on the complaint given by his wife and at that time, the petitioner was in abroad and coming to know of the registration of this case, the petitioner has come to India and filed the above petition for anticipatory bail. He would also submit that the petitioner is ready to cooperate for the speedy disposal of the trial and he would submit that as and when required, the petitioner is ready to appear before the respondent and whenever, the final report is filed, the petitioner undertakes to appear before the Court for trial.

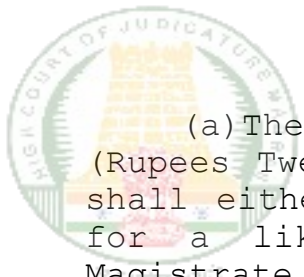
4.He would also submit that the petitioner is ready to file an affidavit informing the place of stay and his itinerary and he would also furnish the mobile number and the e-mail, so as to enable the respondent to intimate about the progress of the case and if necessary, to appear before the concerned Court. He would further submit that the petitioner's mother, who is a Managing Trustee of a School is also ready to file an affidavit that she would ensure that the petitioner is ready to appear before the respondent or before the Court concerned as and when his presence is required. In support of this contention, the learned Senior Counsel for the petitioner would rely on the judgment of Honourable Apex Court in the case of **Suresh Nanda vs Central Bureau of Investigation**, reported in **(2008) 3 SCC 674**.

5.The learned Additional Public Prosecutor would submit that the case has been registered based on the complaint given by the de-facto complainant. He would further submit that if the petitioner's passport is directed to be released, there is a possibility that the petitioner may not be returning back to India and he would object for allowing this petition.

6.Heard and perused the materials available on record.

7.Taking into consideration the above facts and circumstances, this Court is inclined to direct the leaned Judicial Magistrate to return the passport.

8.Accordingly, the learned Judicial Magistrate, Pattukottai, is directed to return the petitioner's original Passport surrendered by him subject to the following conditions:



(a) The petitioner shall execute a bond for a sum of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties (one of the surety shall either be the father or the mother of the petitioner), each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai.

(b) The petitioner shall file an affidavit of undertaking that he will return to India as and when required by the respondent for the progress of investigation.

(c) The petitioner shall furnish copy of Canada Visa and intimate his travel details, period of stay in Canada and the residential address in Canada along with contact details, viz., Mobile number, e-mail i.d., etc., to the respondent before leaving India."

9. With the above directions, this petition is ordered.

sd/-

27/02/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
 - 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT
 - 3 THE INSPECTOR OF POLICE
AWPS PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. C.C. to M/S.GANDHI ASSOCIATES Advocate SR.No.2942

ORDER

IN

CRL MP (MD) No.3301 of 2023

IN

CRL OP (MD) No.14171 of 2022

Date : 27/02/2023