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CrI.O.P.No.11631 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

CrI.OP.No.11631 of 2024

M.Kumar @ Venkat Kumar

..Petitioner/1st Accused

Vs.

State rep.by,
The Inspector of Police,
Central Crime Branch,
EDF-III, Team-III,
Vepery, Chennai-600 007,
Ref: Cr.No.292 of 2014

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 (b) of Cr.P.C. praying to modify the bail condition, namely to surrender the passport of the petitioner, vide order dated 27.08.2014 in CrI.M.P.No.1571 of 2014 on the file of the learned III Metropolitan Metropolitan Magistrate, Egmore, Chennai, consequently return the passport of the petitioner.

For Petitioner : Mr.J.Kather Hussain

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI .side)

ORDER



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This Criminal Original Petition is filed to modify the bail condition, namely to surrender the passport of the petitioner, vide order dated 27.08.2014 in Crl.M.P.No.1571 of 2014 on the file of the learned III Metropolitan Metropolitan Magistrate, Egmore, Chennai, consequently return the passport of the petitioner.

2.The case of the petitioner is that the petitioner is accused in Crime No.292 of 2014 before the respondent/Inspector of Police, EDF-III, Team-III, CCB, Veperiy, Chennai-7 for the offences under Section 406, 420 r/w 34 of IPC. The petitioner was earlier arrested and subsequently granted bail by the learned III Metropolitan Metropolitan Magistrate, Egmore, on 27.08.2014 in Crl.M.P.No.1571 of 2014 on condition of deposit of a sum of Rs.2,00,000/- and to surrender his passport which has been complied by the petitioner.

3.The learned counsel for the petitioner submits that the petitioner is a Tax consultant. The said passport has already been expired on 04.05.2018 and the same is required to be renewed. The trial has been already delayed for the offences allegedly committed by the petitioner in the year 2014. Further,



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the trial got delayed due to the outbreak of COVID 19 pandemic. Hence, the petitioner filed an application in Crl.M.P.No.16119 of 2024 before the Special Metropolitan Magistrate for CCB & CBCID Cases, Egmore, Chennai seeking interim custody of his passport, but the same was dismissed by order dated 06.04.2024. Hence, the present petition is filed before this Court for modification of the bail condition namely to surrender the passport of the petitioner, made in Crl.M.P.No.1571 of 2014 dated 27.08.2014 on the file of the learned III Metropolitan Metropolitan Magistrate, Egmore, Chennai, and consequently return the passport of the petitioner.

4. Considering the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and having perusal of the earlier order passed by the lower Court in Crl.M.P.No.1571 of 2014 dated 27.08.2014 in CCB Crime No.292 of 2014 pending on the file of the Inspector of Police, EDF-III, Team-III, CCB, Vepery, Chennai-7, I am of the view that there can be no impediment in permitting the petitioner to renew the passport subject to condition that the petitioner surrenders the passport before the Court below after renewal of the same.

5. The Regional Passport Officer is directed to renew the passport of the petitioner, if the application meets the required criteria



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and after renewal of the same, shall directly send the passport to the respondent police. Thereafter, the respondent police shall submit the passport before the concerned Court.

6. With the above directions, this Criminal Original Petition stands disposed of.

22.05.2024

vsn

To

- 1.The Inspector of Police,
Central Crime Branch,
EDF-III, Team-III,
Vepery, Chennai-600 007.
- 2.The Public Prosecutor,
High Court of Madras

C.SARAVANAN, J.

vsn



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