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CRL.O.P.No.28577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.28577 of 2024

Sethurathnam Ravi

... Petitioner

Vs.

The Superintendent of Police
Central Bureau of Investigation (CBI) BS&FC
Bangalore
(R.C.No.09/E/2018/CBI/BSFB/Bangalore)

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in CrI.M.P.No.59180 of 2024 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore and set aside the conditions imposed in clauses (g), (i) and (j) in CrI.M.P.No.59180 of 2024 by an order dated 07.11.2024.

For Petitioner : Mr.N.R.Elango
Senior Counsel

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (C.B.I.)

ORDER

The petitioner has been arrayed as A18 in C.C.No.554 of 2023, which is now



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pending on the file of Additional Chief Metropolitan Magistrate, Egmore, Chennai. The respondent / C.B.I. has issued a Look Out Circular (LOC) barring him from leaving the shores of India.

2.The petitioner's son is stated to be a resident of Ireland, and he is now facing certain difficulties which requires the presence of the petitioner. He, therefore, had applied to the trial Court in Crl.M.P.No.59180 of 2024 seeking leave to travel abroad temporarily. This necessarily implies that the C.B.I. suspends the LOC during the period of travel. The learned trial Judge vide his order dated 07.11.2024 had granted leave to the petitioner to travel abroad, but on the following sets of conditions:

- a) The petitioner is now required to provide a fresh schedule of his travel plan to Ireland for a period of 15 days from 15.11.2024 to 30.11.2024 to this Court and the C.B.I.
- b) The petitioner shall report the travel itinerary in advance to the Court before taking up the travel.
- c) The petitioner is granted leave to travel to Ireland as per the travel itinerary furnished before the Court.
- d) The petitioner shall file an undertaking affidavit about his staying



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address and other particulars in the abroad etc.

- e) The petitioner shall reside only in the address given in his undertaking affidavit, and he is directed not to change his residence or his place of stay without prior notice to the C.B.I.
- f) The petitioner shall not leave Ireland during the period of his stay in Ireland.
- g) The petitioner shall surrender his passport to the Indian High Commission at Ireland on the date of his arrival and shall collect it back only before his return to India as per the schedule to be provided.
- h) An acknowledgment of surrendering his passport to the Indian High Commission shall be communicated to the C.B.I. forthwith.
- i) The petitioner shall execute a personal bond for Rs.10 lakhs and also produce two sureties for Rs.10 lakhs each before this Court. Of the two sureties, one surety must be a relative. The two sureties should file an affidavit separately before the Court, undertaking that the petitioner will return back to India on or before the date of return as per the schedule to be provided by the petitioner.
- j) One of the sureties (either a relative or the business associate of the petitioner) shall possess a valid Indian passport and should have



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travelled at least couple of times abroad. The said surety holding the above referred to Indian Passport shall leave his / her passport with the C.B.I. On deposit of such passport, the C.B.I. shall issue an acknowledgment of receiving that passport and hold the passport till the return of the petitioner back to India.

3.The petitioner now prefers this petition seeking a modification of conditions (g), (h) and (j) in the above said order.

4.The learned counsel for the petitioner submitted that the petitioner had been appointed as a Non-Executive Non-Independent Director and also Chairman of the Board w.e.f. April 4, 2022, by the Tourism Finance Corporation of India Limited, which is a Government of India undertaking. He submitted after completing a term earlier on 20.11.2024, he had again been re-nominated to that post and circulated a copy of the said proceedings. He also added that the condition(g) is not workable because a passport is an indispensable travel document for anyone who travels abroad, and if the same is surrendered with the Indian High Commission, then the petitioner will be exposing himself to the peril of being inquired by the local police, but



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in a foreign land. Turning to condition (j) the learned counsel submitted that while the condition may not be faulted with, yet it need not also be standardised, if there can be a situation where the petitioner's return is more than reasonably guaranteed. In the present case, the petitioner has been appointed as a Non-Executive Non-Independent Director and also the Chairman of the Tourism Finance Corporation of India Limited, which as stated earlier is a Government of India undertaking as recently as on 20.11.2024.

5. Heard the learned Prosecutor and he reiterated his apprehension which he has stated in his counter.

6. After weighing rival submissions, this Court finds that both the conditions imposed by the trial Court can be relaxed. When a passport one holds is an indispensable travel document which anyone who travels abroad shall carry 24 x 7, to direct the petitioner to deposit the said travel document with the Indian High Commission will have far reaching consequence on his liberty but in a foreign land. In other words, in a country where he is facing accusation, he is relatively free, whereas in a foreign land he holds a prospect



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of languishing in jail. Therefore, condition(g) is totally relaxed. Since condition (h) follows condition(g), necessarily it too has to go and accordingly it is relaxed.

7.Turning to condition (j), this condition is essentially devised by this Court to ensure that one who faces criminal accusation in this country if allowed to travel abroad returns back to the country to face the trial and to undergo sentence, if it is so happens. But, this condition cannot be standardised in all cases and this has to be reckoned on the basis of multiple factors. From the course of the hearing, this Court understands that the petitioner has already travelled abroad a few times based on the permission granted either by this Court or by the trial Court and he has returned back to India. This conduct of the petitioner cannot be ignored. The second part is that given the position he holds in Government of India undertaking, there is every possibility that he would return back to the country. After all, no Rule can be applied in all circumstances and more so when it may lead to distrusting somebody without objective basis.

8.In effect, this Court allows the above Criminal Original Petition and drops



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condition (g), (h) and (j).

9.The petitioner is now required to intimate both the C.B.I. as well as the trial Court about the intended dates of travel to Ireland and also required to comply with other conditions imposed by the trial Court vide its order dated 07.11.2024 in Crl.M.P.No.59180 of 2024 in C.C.No.554 of 2023. On fulfilling the condition, the CBI is required to suspend the LOC, and the petitioner is required to inform the respondent of his return from abroad to CBI.

27.11.2024

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Index : Yes / No
Neutral Citation

Note: Issue order copy on 27.11.2024

To:

1.The Superintendent of Police
Central Bureau of Investigation (CBI) BS&FC
Bangalore.

2.The Additional Chief Metropolitan Magistrate
Egmore

3.The Public Prosecutor, C.B.I. Cases
High Court of Madras
Chennai 600 104



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N.SESHASAYEE, J.
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