



*Crl.O.P.(MD)No.16840 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.16840 of 2024

Azeela @ Mary

... Petitioner

Vs.

State rep. by  
The Inspector of Police,  
Vallam Police Station,  
Thanjavur,  
Thanjavur District.  
(Crime No.811 of 2020)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to set aside the order dated 21.08.2024 passed in Crl.M.P.No.794 of 2024 in S.C.No.147 of 2021 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur and permit the petitioner to travel to Srilanka.

For Petitioner : Mr.R.Ilayaraja

For Respondent : Mr.P.Kottai Chamy  
Government Advocate (Crl. Side)



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### **ORDER**

The Criminal Original Petition is directed against the order passed in Crl.M.P.No.794 of 2024 in S.C.No.147 of 2021 dated 21.08.2024 on the file of the I Additional District and Sessions Court (PCR), Thanjavur, dismissing the application seeking permission to travel Srilanka.

2. The petitioner is facing a case in S.C.No.147 of 2021 on the file of the I Additional District and Sessions Court (PCR), Thanjavur for the alleged offences under Sections 147, 148, 109, 341, 302, 120B r/w 34 IPC.

3. The petitioner is also facing two other cases in C.C.No.323 of 2014 on the file of the Judicial Magistrate No.6, Trichy and another case in C.C.No.263 of 2022 on the file of the Judicial Magistrate No.2, Thanjavur.

4. The learned counsel appearing for the petitioner would submit that the petitioner has approached the learned Judicial Magistrate No.6,



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Trichy and the learned Judicial Magistrate No.2, Thanjavur seeking permission to travel Srilanka in Crl.M.P.No.15121 of 2024 in C.C.No. 323 of 2014 and Crl.M.P.No.895 of 2024 in C.C.No.263 of 2022 and the learned Magistrates have granted permission vide orders dated 22.07.2024 and 19.08.2024 respectively. He would further submit that the petitioner has earlier filed writ petitions in W.P.(MD)No.1558 of 2019 and subsequently in W.P.(MD)No.18810 of 2021 seeking no objection certificate so as to permit the petitioner to visit Srilanka and in both the petitions, permissions were granted vide orders dated 26.03.2019 and 29.11.2021 by imposing conditions, but the learned Sessions Judge, in the impugned order without considering the earlier permission granted by this Court, by giving importance to the objections raised by the respondent police and also the nature of the offences alleged against the petitioner, declined the permission.

5. It is not the case of the respondent that the petitioner has violated the conditions imposed by this Court in the two earlier occasions.



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6. The learned counsel appearing for the petitioner would submit that the petitioner is ready to comply with the conditions to be imposed by this Court.

7. It is necessary to refer the order passed by this Court in W.P. (MD) No.18810 of 2021, wherein, the earlier order passed in W.P. (MD)No.1558 of 2019 has been referred,

*“5.I carefully considered the rival contentions and went through the materials on record. The objections raised by the learned Assistant Solicitor General of India as well as the Additional Public Prosecutor are strong and formidable. But what tilts my discretion in favour of the petitioner is the petitioner's conduct on the earlier occasion. The petitioner had earlier filed WP(MD) No. 1558 of 2019. A learned Judge of this Court had granted permission to the petitioner to go abroad vide order dated 26.03.2019. The following conditions were imposed in the said order :*

*“8.Accordingly, this Court allows the petition on the following conditions:*

*a). The petitioner is directed to deposit the passports of her minor children Yunus and Ameera with the concerned Magistrate, which are*



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*returnable on her arrival to India.*

*b).Make a cash deposit of Rs.1,00,000/- (Rupees One Lakh only) with the concerned Court which is returnable on her arrival to India.*

*c). She shall execute a fresh bond for her appearance for Rs.25,000/-. (Rupees Twenty Five Thousand only) along with two sureties for like sum, to the satisfaction of the Trial Court.*

*d).The petitioner is directed to intimate her details of the temporary passport proof of address where her father resides and where she is going to visit, both to the Trial Court and to the Investigating Officer.*

*e).The petitioner is also directed to intimate the date of departure and arrival to the Investigating Officer and also to the concerned Magistrate Court.*

*9.The petitioner is directed to report before the concerned Magistrate Court on 11.04.2019.”*

*6.The petitioner complied with the said conditions and returned to India in terms of her undertaking given before this Court. The learned counsel for the petitioner states that the petitioner is having two minor children and that they would be left in the custody of some relative and that the details of the same will be duly intimated to*



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*the first respondent as well as the third respondent. The petitioner alone will leave India for Srilanka. When the petitioner leaves India, the fourth respondent will make appropriate enquiry to ensure that the minor children of the petitioner are very much left behind. The petitioner also undertakes to produce the original title deed of the apartment situated at Vilar Road, Quide Milleth Nagar, Thanjavur before the Sessions Court as security. The said property is said to be unencumbered. The petitioner shall execute a personal bond for her appearance for a sum of Rs.1.00 crore. If there is any breach of the bond condition, the concerned authority will be entitled to invoke the provisions of the Revenue Recovery Act.*

*7.The undertaking given by the petitioner through her counsel is placed on record. Accordingly, this writ petition is allowed on the following conditions :*

*a) the petitioner is directed to deposit the passports of her minor children namely, Yunus and Ameera before the Sessions Court, Thanjavur in which S.C No.147 of 2021 is pending.*

*b) she will also execute a fresh bond for a sum of Rs.1.00 crore and also deposit the aforesaid original title deed by way of security before the said court.*

*c) the petitioner shall return to India on the 30th*



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*day of after she leaves India.*

*d) the petitioner is directed to intimate the details of address where her father resides and where she is going to visit, both to the Sessions Court and to the Investigating Officer concerned.*

*e) the petitioner is also directed to intimate of date of departure and arrival to the investigating officer and also to the said court.*

8. Considering the above, this Criminal Original Petition is allowed on the following conditions:

- 1. The petitioner is directed to deposit the passports of her minor children namely, Yunus and Ameera before the Sessions Court, Thanjavur in which S.C No.147 of 2021 is pending.*
- 2. She will also execute a fresh bond for a sum of Rs.1.00 crore and also deposit the aforesaid original title deed by way of security before the said court.*
- 3. The petitioner shall return to India on the 30th day of after she leaves India.*
- 4. The petitioner is directed to intimate the details of address where her father resides and where she is going to visit, both to the Sessions Court and to the Investigating Officer concerned.*



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*5. The petitioner is also directed to intimate of date of departure and arrival to the investigating officer and also to the said court.*

**03.10.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
csm

***Note : Issue order copy on 19.11.2024***

To

1.The I Additional District and Sessions Judge (PCR),  
Thanjavur.

2.The Inspector of Police,  
Vallam Police Station,  
Thanjavur,  
Thanjavur District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

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Order made in  
Crl.O.P.(MD)No.16840 of 2024

Dated: 03.10.2024