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CrI.M.P.No.7640 of 2
in
CrI.O.P.No.28978 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

CrI.M.P.No.7640 of 2025

in

CrI.O.P.No.28978 of 2022

Ashique

...Petitioner/Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi.
(Crime No.454 of 2022)

...Respondent/Respondent

PRAYER: This criminal miscellaneous petition has been filed under Section 528 of BNSS, 2023, to modify the condition imposed on the petitioner with regard to return of passport made in paragraph 8 in CrI.O.P.No.28978 of 2022 dated 30.11.2022 and permit the petitioner to take back the petitioner's passport No.R5527954 now in the custody of learned Judicial Magistrate – II, Kallakurichi in Crime No.454 of 2022 for undertaking religious obligation of going on Umra to Mecca and Medina, the Islamic Sites on 22.04.2025 for a period of one month.

For Petitioner(s):

A.B.Fathima Sulthana

For Respondent(s):

Mr.S.Balaji

Government Advocate (CrI.Side)

ORDER



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By the order dated 30.11.2022, this Court, while granting anticipatory bail to the petitioner along with the other accused, directed the petitioner to surrender his original passport before the learned Judicial Magistrate – II, Kallakurichi.

2. The learned counsel for the petitioner submitted that the petitioner intends to travel abroad and hence, the said condition may be modified; and that the passport may be directed to be returned to enable him to travel abroad.

3. Heard Mr.S.Balaji, the learned Government Advocate (Crl.Side) for the petitioner.

4. This Court is of the view that the condition in para no.8 imposed by this Court in Crl.O.P.No.28978 of 2022 cannot be modified. However, the petitioner can be permitted to travel abroad.

5. It is now reported by the learned counsel for the petitioner that the



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petitioner had originally planned to travel abroad on 22.04.2025 and since no orders were passed in this case, he could not travel; and that he may be, permitted to take return of the passport and granted two months time to return the same.

6. Considering the said request and the affidavit filed by the petitioner, this Court is inclined to direct the return of the passport to the petitioner. The petitioner shall surrender his passport on or before 30.06.2025 to the learned Judicial Magistrate – II, Kallakurichi.

7. The petition is ordered accordingly. List the matter for compliance on 01.07.2025.

24.04.2025

dk

Note: Issue order copy by **28.04.2025**.

To



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1. The Judicial Magistrate – II,
Kallakurichi.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.
dk



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