



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

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CORAM :

THE HON'BLE MR. JUSTICE D. BHARATHA CHAKRAVARTHY

W.P. No. 18754 of 2025

S. Saravana

... Petitioner

Vs.

1. Foreigner Regional Registration Officer (FRPO),
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
No.26, Haddows Road, Chennai - 600 006.

2. The Deputy Superintendent of Police,
Central Bureau of Investigation (CBI),
Bank Securities and Frauds Branch,
No.36, Bellary Road,
Ganga Nagar, Bangalore - 32.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India seeking Writ of Mandamus or any other writ order or direction, directing the first respondent to permit the petitioner to travel abroad 10 working days a month.

For Petitioner : Mr. Vijayan Subramanian

For RR1 : Dr. K. Kannan

For RR2 : Mr. K. Srinivas
Special Public Prosecutor for CBI cases



ORDER

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This Writ Petition has been filed seeking Writ of Mandamus or any other writ order or direction, directing the first respondent to permit the petitioner to travel abroad 10 working days a month.

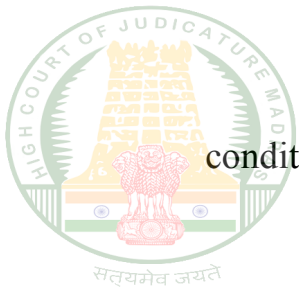
2. The case of the petitioner is that, the petitioner is a Seychelles National and he is also an holder of an OCI card. While so, by stating that his presence in India is necessary in respect of a case registered in FIR. No.9 dated 13.04.2018 for the alleged offences under Section 120-B r/w. 409 and 420 of Indian Penal Code, 1860 and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. The petitioner is detained in India by issue of a Look Out Circular (LOC). The petitioner is not even arrayed as an accused in the said case till date. The petitioner's presence is requested only on the ground that the further investigation in this matter is on, therefore, the LOC is in force.

3. The learned counsel for the petitioner submits that it is essential for the petitioner to visit various countries on account of his business commitments. According to the learned counsel for the petitioner, the matter is no longer *res-integra*, several orders have since been passed by this Court with reference to



the named persons in the said case and also even a person similarly situated by name Karthik Parthiban in the very same case by imposing certain conditions, persons are permitted to travel abroad. Therefore, he would submit that the writ petition be allowed and the petitioner be permitted to travel abroad for 10 days every month.

4. The prayer is opposed on behalf of the respondents. The second respondent has filed a counter, wherein it is stated that even though the charge sheet was filed in this case, further investigation was kept open under Section 173(8) of the Code of Criminal Procedure to investigate the role of this petitioner, subsequently some materials have also been collected and they are in the process of conduct of the further investigation. The case involves a huge economic fraud and the petitioner being a Seychelles National, there is a likelihood that once he returns to a country with whom India does not have an extradition treaty, it might not be possible to secure the presence of the petitioner to face this case. Further, there is a likelihood of the petitioner, permanently escaping the judicial process in India. The learned Senior Counsel also reiterated the factual averments made in the counter and would submit that the petitioner cannot be allowed to go abroad and in the earlier cases specific orders have been passed which specifies the country, purpose of visit and with



conditions.

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5. I have considered the rival submissions made on either sides and perused the material records of this case.

6. Earlier, when the persons who are named as an accused in this case namely C.Sivasankaran and Nithyavathi approached this Court seeking permission to go abroad, and this Court has given permission for them to travel abroad. As far as Nithyavathi is concerned, the Court has permitted the accused to travel to other countries where there is reciprocal and extradition arrangements and also imposed further conditions including the itinerary trace of travel, contact details, etc., which should be filed as an affidavit and also to be intimated to the Investigation Agency. This apart, other conditions relating to execution of personal bond and production of sureties, etc., were also imposed.

7. When a person similarly situated as that of the petitioner herein, who is not an accused in the case till date but whose presence is also required in India with reference to the very same case on account of the further investigation, I had also considered the similar request in W.P.No.13960 of



2025 and permitted the petitioner therein to travel abroad once to Malaysia with the conditions mentioned therein.

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8. After considering all the similar orders that are passed in the earlier matters repeatedly, I am of the view that this writ petition can be ordered on the following terms:

- (a). As required by the petitioner, the petitioner is permitted to travel to other countries for 10 days in every month.
- (b). The petitioner is permitted to travel to countries where there is reciprocal arrangements and extradition arrangements alone and not to other countries.
- (c). The petitioner should furnish the reason and specific date of his travel, his travel itinerary, place of stay, contact details and he shall be accessible through e-mail and other modes of communications and the contact details of the persons/ places in the visiting country.
- (d). The petitioner shall file an affidavit providing his proposed date of foreign travel to the Additional Chief Metropolitan Magistrate Court, Egmore, Chennai and to the Investigating Agency at whose request the LOC is issued.
- (e). The petitioner shall execute a personal bond for a sum of



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Rs.10,00,000/- (Rupees Ten Lakhs only) and produce two sureties for Rs.10,00,000/- each before the Additional Chief Metropolitan Magistrate Court, Chennai. Of the two sureties, one must be a relative. The two sureties should file separate affidavits before the Additional Chief Metropolitan Magistrate Court, Chennai, undertaking that the petitioner will return to India on or before the date of return as per the schedule to be provided by the petitioner.

(f). One of the sureties (either a relative or a business associate of the petitioner) must possess a valid Indian passport and have traveled abroad at least a couple of times. The said surety shall deposit the original passport before the Additional Chief Metropolitan Magistrate Court, Chennai, at the time of travel of the petitioner. Upon return of the petitioner, the passport shall be handed over back to the surety.

(g). The Look Out Circular (LOC) issued by the CBI against the petitioner shall stand suspended during the period when the petitioner leaves India in the manner as stated above and till he returns back to India.

9. Once the petitioner complies with these conditions for the first time, as far as the condition with reference to execution of bond for a sum of Rs.10,00,000/- and production of two sureties shall be continued for all the subsequent travels and need not be repeated every time. In the event of any difficulty faced by the petitioner in complying with the conditions or the



difficulty or apprehension phrased by the respondent investigation agency with reference to the conditions, both parties are entitled to approach this Court and seek modification.

10. In case of violation of any one of the above conditions, the order shall automatically stands cancelled.

11. Accordingly, this writ petition is ordered. Consequently, connected writ miscellaneous petition, if any stands closed. There shall be no order as to costs.

25.06.2025

stn

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

To:

1. Foreigner Regional Registration Officer (FRPO),
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
No.26, Haddows Road, Chennai - 600 006.



W.P. No.1875



D. BHARATHA CHAKRAVARTHY, J.

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2. The Deputy Superintendent of Police,
Central Bureau of Investigation (CBI),
Bank Securities and Frauds Branch,
No.36, Bellary Road,
Ganga Nagar, Bangalore - 32.
3. The Public Prosecutor, High Court of Madras.

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