



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

**CRL MP No. 11918 of 2025
and CRL OP No.11333 of 2025**

1. Dr. Bhupat Haribhai Desai
S/o. Haribhai Desai, 17002 DEGROOT,
PL Cerritos, CA 90703, USA.
presently residing at, KL Towers, 3rd Floor,
9807 TNHB, Ayappakkam main Road,
Ayapakkam, Chennai – 600077.

Petitioner

Vs

1. The State Rep.by, The Inspector of Police
Cyber Crime Wing,
Avadi Police Commissionerate, Ambattur,
Chennai - 600 053.

Respondent

PRAYER

Petition filed under Section 528 of Bharatiya Nagarik Surksha Sanhita, (BNSS), 2023, to pass an order to modify the bail condition imposed upon him vide order passed in Crl.OP.No.11333/2025 dated 15.04.2025 in para 7(c) directing that the passport of the petitioner/4th accused shall be kept in custody of the Judicial magistrate -I, Poonamallee and consequently direct the said court to return the passport to the petitioner/4th accused.

For Petitioner : Mr. G. Prabhakaran

For Respondent : Mr. C. Baskaran,
Government Advocate (Criminal Side)

For Intervener : Mr. K.R. Hariharan



ORDER

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The petitioner is the fourth accused in connection with a Crime No.82 of 2023, was granted bail by this Court in Crl.O.P. No.11333 of 2025 dated 15.04.2025 with one of the conditions in Paragraph No.7(c) that the petitioner's passport shall be seized by the respondent Police and kept in the custody of the Judicial Magistrate -I, Poonamallee, against which, the present modification petition has been filed before this Court.

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal side) appearing for the respondent and also the learned counsel appearing for the intervener.

3. The main contention of the learned counsel for the petitioner is that the petitioner is a 77 year old senior citizen and renowned Numerologist in the United States of America, California. He had specifically come to India to perform his parents' last rites and immerse their ashes. At that time, the petitioner was detained by the respondent on the strength of the Lookout



Circular (LOC), and was arrested. Subsequently, the petitioner moved a bail application and it was granted.

4. The learned counsel appearing for the intervener submitted that some of the employees of the defacto complainant's company had resigned and at the petitioner's advice, started a similar company by colluding with the former employees, stolen the defacto complainant's company data. This resulted in significant losses to the defacto complainant. According to the defacto complainant, with the assistance of the former employees, the petitioner accessed the data to the abroad. Further, he strongly objected to returning the passport of the petitioner to him, that the petitioner being a U.S.A citizen, he might abscond if he is let out on bail.

5. The learned Government Advocate appearing for the respondent submitted that the petitioner is an accused in Crime No.82 of 2023 and had not participated in the proceedings of the charge sheet filed under C.C.No.330 of 2024 against 11 accused, including the petitioner herein. Since two accused were absconding, who are the petitioner/A4 and another accused/A5, the case



was split up as C.C.No.23 of 2025, which is pending trial. Therefore, when the petitioner come to India for performing his parents' last rites, he was arrested on 04.04.2025 by the respondent Police on the strength of the LOC.

6. He further submits that the parent case in C.C.No.330 of 2024 is pending against the nine accused and it is not progressed since some of the accused have filed discharge petitions. As regards the case in C.C.No.23 of 2025, the petitioner and the other accused are facing trial and again in that case, A5 is absconding, and therefore, the trial is not proceeded. Therefore, the learned Government Advocate submitted that if the petitioner's passport is returned, there is a likelihood of the petitioner absconding, which would stalled the trial.

7. In reply, the learned counsel for the petitioner assured that the petitioner would not abscond and would not cause delay in the trial.



8. I have heard the rival submissions made on either side and perused the materials available on record.

9. In view of the above, this Court directs the petitioner to furnish his contact details in U.S.A, including his place of stay, and to appear before the Trial Court as and when required, when the Trial Court feels that if the petitioner's presence is indispensable, or otherwise, he can participate the trial through his counsel and not cause any hindrance. This Court also directs the petitioner to file an affidavit before the Trial Court, in this regard.

10. The detention of the passport curtails the movement of a person and affects their fundamental rights. The Apex Court, in a case of ***Menaka Gandhi v. Union of India***, on several occasions had reiterated the same.

11. In view of the assurance provided on behalf of the petitioner, by the learned counsel for the petitioner that the petitioner should not be a reason for causing any delay for proceeding the trial, and considering the decision laid down by the Apex Court, in the case cited supra, this Court directs the learned



Judicial Magistrate No.1, Poonamalee, to return the passport to the petitioner.

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12. With these observations and directions, this Criminal Miscellaneous Petition is disposed of.

13. It is made clear that if the petitioner absconds during the course of trial or violates the procedures, the prosecution can take appropriate steps to ensure the progress of the trial without any hindrance.

15-07-2025

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

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To

1.The Judicial Magistrate No.1, Poonamalee.

2.The Inspector of Police,

Cyber Crime wing, Avadi Police Commissionerate,
Ambattur, Chennai – 53.

3.The Public Prosecutor, High Court, Madras.



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M. NIRMAL KUMAR J.

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