



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL.M.P.No.12411 of 2025

and

CRL.O.P.No.28671 of 2017

M.Muthiah Sthapathy

Petitioner

Vs

1. State rep. by Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.

2.The State rep. by the
Deputy Superintendent of Police,
Idol Wing, CID,
District Armed Reserve Ground,
Trichy.

Also at Idol Wing,
Old Corporate Building,
Guindy, Chennai - 600 032.

3.Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Haddows Road,
Subbharao Avenue, Chennai - 600 034.

Respondents



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For Petitioner : Mr.P.L.Narayanan
Senior Counsel
for Mr.A.S.Jayahasini

For Respondents : M/s.C. Baskaran,
Government Advocate (Crl. side)

ORDER

This petition is filed to relax the condition of surrender of passport by directing the learned Judicial Magistrate I, Kancheepurem to return petitioner's passport viz., Indian Passport bearing Number No.Z4259021 issued on 04.05.2017, which expires on 03.05.2027, to him, by recording his undertaking that he will produce the same before the said Court as and when required.

2. The learned counsel for the petitioner would submit that the petitioner is aged about 84 years and he is an accused in Crime No.727 of 2017. The petitioner has filed an Anticipatory Bail application before this Court in Crl.O.P.No.28671 of 2017. This Court, while granting anticipatory bail to the petitioner, by an order dated 22.02.2018, has directed the petitioner to surrender his passport to the learned Judicial Magistrate No.I, Kanchipuram. The



petitioner had complied the said condition and executed the sureties and thereafter, he had been appearing before the Special Camp Office, Idol Wing, Tiruchirapalli on every Monday and Tuesday for a period of three weeks and thereafter, as and when called for enquiry, he appeared.

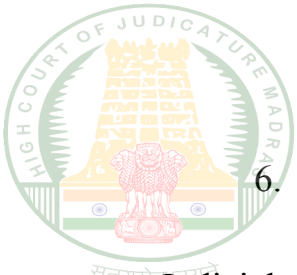
3. He would further submit that Crime No.727 of 2017 was originally registered by the first respondent, later transferred to the file of the second respondent, who had conducted investigation and it was transferred to the file of first respondent, in pursuant to the order in Crl.O.P.No.28016 of 2017 dated 22.07.2022. Subsequently, the petitioner intended to travel to Norway as the Hindu Temple Committee there insisted that petitioner to be physically present in Norway till the completion of work followed by a assignment to Oversee Temple Committee in Srilanka. The petitioner, septuagenarian, with deep social roots and will not evade justice. In this regard, the petitioner filed petition in C.M.P.No.324 of 2025 in Crime No.727 of 2017 before the trial Court for return of the passport to travel to Norway, however, the trial Court dismissed the Crl.M.P. Hence, present petition filed the same before this Court.



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4. The learned Public Prosecutor strongly opposed the contention of the petitioner. He would submit that the petitioner might abscond. Investigation completed and charge sheet filed as early as on 23.07.2023. The learned Judicial Magistrate No.I, Kanchipuram not taken the case on file and the respondent is not at fault for the delay in proceedings with the case. The petitioner is facing a trial in this case, there are nine witnesses in this case and if the petitioner is not available on the required dates, the trial would get stalled. Hence, the petitioner's request not to be considered at this stage.

5. The learned counsel for the petitioner would submit that the petitioner will inform the trial Court about his travel itinerary, the date of leaving India, the date of his return with all contact details, and he will not be the reason for delay of Trial. He will file an affidavit giving all details, with an undertaking that he will present himself before the trial Court, as and when directed. Further his Advocate will participate in the trial, and absence of petitioner will not be cited in delaying the trial in any manner.



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6. In view of the above submissions, this Court directs the learned Judicial Magistrate No.I, Kanchipuram to return the petitioner's passport bearing No.Z4259021 issued on 04.05.2017, valid up to 03.05.2027, enabling the petitioner to his travel to Norway. The petitioner shall inform the learned Judicial Magistrate No.I, Kanchipuram about his date of departure, arrival, place of stay and his contact details. He will also submit a copy to the Investigation Officer in this case.

7. This Criminal Miscellaneous Petition is disposed of accordingly.

17.07.2025

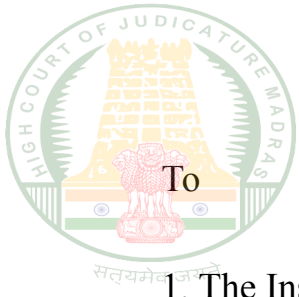
kmm/nr

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

1. The Inspector of Police,
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