



Crl.O.P.No.28909 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 04.11.2025**

CORAM:

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.O.P.No.28909 of 2025**

Sunil Silva @ Sunil Mathew Silva

... Petitioner

Vs.

1. The Commissioner of Police  
Tambaram, Chennai – 600 119
2. The Deputy Commissioner of Police  
Central Crime Branch – Tambaram  
Chennai – 600 119
3. State rep. by The Inspector of Police  
J-12, Kanathur Police Station  
Central Crime Branch, Tambaram, Chennai  
(Crime No.66 of 2022)
4. The Assistant Director/Special Intelligent Cell (SIC)  
Bureau of Immigration (BOI)  
Ministry of Home Affairs (MHA)  
Government of India, Quarters  
East Block VIII, R.K.Puram Sector - I  
New Delhi – 110 066

... Respondents

**PRAYER:** Criminal Original Petitions filed under Section 528 of B.N.S.S. to direct the 1<sup>st</sup> respondent to withdraw the Look Out Circular issued as against the petitioner in connection with the Crime No.66 of 2022, pending on the file of the Inspector of Police, J-12, Kanathur Police Station, Central Crime Branch, Tambaram, Chennai and consequently direct the 1<sup>st</sup> respondent to communicate the order of lifting of travel restriction imposed in pursuant to above said Look Out Circular to the immigration office.

For Petitioner : Mr.A.Sasidharan



CrI.O.P.No.28909 of 2025

For Respondents : Mr.K.M.D.Muhilan  
Additional Public Prosecutor for R1 to R3  
Mr.S.Diwakar, C.G.S.P .C. for R4

### **ORDER**

This Criminal Original Petition has been filed to direct the 1<sup>st</sup> respondent to withdraw the Look Out Circular (LOC) issued as against the petitioner in connection with the Crime No.66 of 2022, pending on the file of the 3<sup>rd</sup> respondent police and consequently direct the 1<sup>st</sup> respondent to communicate the order of lifting of travel restriction imposed pursuant to said Look Out Circular, to the immigration office.

2. The case of the petitioner is that on 27.05.2022, when the petitioner was about to travel for his business purpose to Paris from Chennai by Emirates Airlines, the petitioner was stopped at the immigration counter and was not allowed to proceed further stating that an LOC has been issued against him. The petitioner later came to know that the LOC was issued based on the FIR in Crime No.66 of 2022, registered by the 3<sup>rd</sup> respondent on 20.04.2022. Subsequently, the petitioner after the detention at the Airport, was taken to the first respondent/Commissioner of Police, Tambaram, for enquiry and later, he was let off to go. Thereafter, the petitioner was served with a notice under Section 41 Cr.P.C. by the 3<sup>rd</sup>



CrI.O.P.No.28909 of 2025

respondent, to appear for enquiry. Hence, the petitioner approached this Court by way of filing a petition in CrI.O.P.No.24254 of 2023 and obtained anticipatory bail. Subsequently, the respondent police completed the investigation and filed the final report and now, the case is pending trial in C.C.No.114 of 2024 before the Judicial Magistrate-I, Alandur. It is the further case of the petitioner that he had sent a representation dated 23.09.2025, to the first respondent/the Commissioner of Police, Tambaram, Chennai seeking to withdraw the LOC. Since the LOC has not been withdrawn, the present petition has been filed.

3. Mr. Sasidharan, the learned counsel appearing for the petitioner would submit that the object of issuance of LOC is to ensure the presence of a person for interrogation, trial or enquiry. When the purpose of such circular is served by interrogating the person, such a circular is *non est* in the eye of law. He would submit that the petitioner had obtained anticipatory bail and complied with the conditions imposed therein and also participated in the enquiry after which, the respondent police also filed the final report. He would further submit that the petitioner is duly co-operating for the process of law and as on date, the petitioner has filed an application seeking to discharge him and the same is pending. The learned counsel would further submit that since the LOC has not been recalled, the



petitioner's right to travel abroad, has been curtailed and the petitioner is unable to travel for business activities. He also placed reliance of the decision of the Hon'ble Apex Court in the case of *Maneka Gandhi v. Union of India [(1978) 1 SCC 248]* and would submit that the right of travel abroad is a fundamental right and since because the case is pending, the petitioner cannot be prevented from traveling abroad. He further submitted that the petitioner undertakes to offer sufficient sureties for his travel abroad and also ready to give the details of his travel to the Court. Hence, he prayed for appropriate orders.

4. Mr.K.M.D.Muhilan, learned Additional Public Prosecutor appearing for the respondents police would submit that the LOC was issued during the course of investigation. He would further submit that now the investigation in this case has been completed, final report has been filed before the Judicial Magistrate No.1, Alandur and the case is pending trial in C.C.No.111 of 2024 and if the petitioner is permitted to travel abroad, it may be subject to conditions, so that he may appear before the trial Court and co-operate for the speedy disposal of the case.

5. Mr.Diwakar, learned Central Government Senior Panel Counsel for the 4<sup>th</sup> respondent would submit that only based on the LOC issued against the petitioner, the petitioner was stopped from travelling abroad.



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6. I have considered the rival submissions and perused the record.

7. The Supreme Court, in *Maneka Gandhi (supra)*, has held that the right to travel abroad is an integral part of personal liberty under Article 21 of the Constitution. The Supreme Court in *Parvez Noordin Lokhandwalla v. State of Maharashtra [(2020) 10 SCC 77]* reiterated that an accused on bail cannot be deprived of this liberty, except for valid reasons and that permission to travel abroad may be granted, subject to appropriate safeguards.

8. In the present case, the petitioner has participated in the enquiry and now, the matter stands posted for trial. Further, no material has been placed to indicate that the petitioner has misused the liberty granted or attempted to evade the process of law and there is nothing on record to suggest that his travel abroad would prejudice the pending trial. Therefore, the respondents cannot keep the LOC pending.

9. Having regard to the nature of the request and the principles laid down by the Hon'ble Supreme Court, the first respondent is directed to withdraw the LOC issued as against the petitioner within a period of one week from the date of receipt of a copy of this order.

10. When the petitioner intends to travel abroad, he shall approach the trial Court and seek permission with his travel details viz., place of stay



Crl.O.P.No.28909 of 2025

abroad and contact number and he shall also file an affidavit of undertaking to the effect that he will be duly represented by a counsel on the hearing dates and he will present himself before the Court on the dates to be fixed by the trial Court.

11. With the above direction, this Criminal Original Petition is allowed.

**04.11.2025**

ksa-2/raa

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

**Note: Issue order copy on 11.11.2025.**



CrI.O.P.No.28909 of 2025

To

1. The Judicial Magistrate-I,  
Alandur
2. The Commissioner of Police  
Tambaram, Chennai – 600 119
3. The Deputy Commissioner of Police  
Central Crime Branch – Tambaram  
Chennai – 600 119
4. The Inspector of Police  
J-12, Kanathur Police Station  
Central Crime Branch  
Tambaram, Chennai
5. The Public Prosecutor  
High Court of Madras, Chennai



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Crl.O.P.No.28909 of 2025

**A.D.JAGADISH CHANDIRA J.**

*ksa-2/raa*

**Crl.O.P.No.28909 of 2025**

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