

Crl.O.P.(MD) No.3387 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.O.P.(MD) No.3387 of 2025

Rajesh Khanna

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No. 786 of 2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the conditions imposed in No. (c) and (d) in Crl.M.P. No. 176 of 2024 in S.C. NO. 193 of 2023 on the file of the Learned Addl. Dist. and Sessions Judge, (FTC), Kumbakonam.

For Petitioner : Mr. R.Ilayaraja

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



ORDER

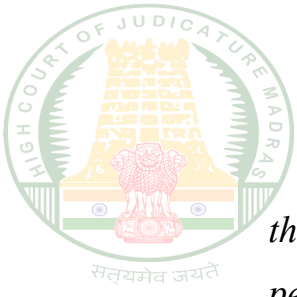
WEB COPY

This Criminal Original Petition has been filed to modify the conditions imposed by the learned Additional District and Sessions Judge, (FTC), Kumbakonam in Crl.M.P. No. 176 of 2024 in S.C. NO. 193 of 2023.

2. According to the petitioner, the petitioner has filed a petition in Crl.M.P.No.176 of 2024 before the trial Court seeking to permit him to go Seychelles for a period of 45 days for his business. The trial Court has also allowed the petition on 05.02.2025 by imposing conditions, in which, Condition Nos.(c) and (d) are as follows:

“(c) Of the above two sureties, one surety must be a near blood relative. The two sureties should also give separate undertaking through their affidavit before this Courts and the petitioner will return back to India as per the schedule that he is required to provide;

(d) One of the sureties (either a near blood relative or the business associate of the petitioner) shall possess a valid Indian Passport and should have travelled at least couple of times abroad. The said surety holding the above referred to Indian passport shall leave his/her passport with the respondent police / Court. On deposit of such passport, the respondent police shall issue an acknowledgement of receiving



Crl.O.P.(MD) No.3387 of 2025

that passport and hold the passport till the return of the petitioner back to India.”

WEB COPY

Since the aforesaid conditions are onerous, the petitioner has filed this petition seeking for relaxation.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that look-out circular has been issued against the petitioner and the offences alleged against the petitioner are grave in nature. Therefore, the trial Court has imposed such conditions. Hence, prays to dismiss the petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5.Once the trial Court inclined to allow the petition filed by the petitioner, the trial Court need not impose such a condition to produce the passport of the surety and one surety must be a near relative. At the time of



Crl.O.P.(MD) No.3387 of 2025

bail, the petitioner has already produced the sureties and now, the petitioner is seeking permission to go abroad. Since the aforesaid conditions are onerous, this Court is inclined to relax the aforesaid conditions.

6. Accordingly, this Criminal Original Petition is allowed and the condition Nos. (c) and (d) imposed in Crl.M.P.No.176 of 2024, dated 05.02.2025 passed by the learned Additional District and Sessions Judge (FTC), Kumbakonam is hereby relaxed in toto and the other conditions in the said order shall remain intact.

26.02.2025

NCC : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

To

1. The Additional District and Sessions Judge, (FTC), Kumbakonam

2. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4/5



WEB COPY



Crl.O.P.(MD) No.3387 of 2025

P.DHANABAL, J.

PNM

ORDER IN
Crl.O.P.(MD) No.3387 of 2025

26.02.2025