

Crl.O.P.(MD)No.11068 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 01.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11068 of 2025

Jegadeeshkumar

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector O Police,
Periyakulam Police Station,
Theni District.
Crime No. 107/2023.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to issue a direction, to call for the records and set aside the order passed in Crl.M.P.No. 1155/2025 in Crl.M.P.No.905/2025 dt. 11.06.2025 on the file of the Learned Principal Sessions Court, Theni.

For Petitioner
For Respondent

: Mr.S.Vikram,
: Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)

ORDER

The petitioner is the accused in Crime No.107 of 2023. His wife committed suicide in India, when this petitioner was working in abroad. Therefore, the above case has been registered as against this petitioner for the offence under

<https://www.mhc.tn.gov.in/judis>



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Section 174(3) of Cr.P.C., The petitioner claims that he is working in Singapore in Shipyard. After the occurrence, the petitioner has returned to India. However, without reporting to the respondent police, he has returned to Singapore. Therefore, the respondent police were not in a position to proceed further with the investigation for his availability. Therefore, they have issued a look out circular on 18.04.2025. The petitioner has moved an application seeking bail before the Principal Sessions Court, Theni, in Crl.MP.No.905 of 2025, wherein the learned Principal Session Judge, Theni, by his order dated 25.04.2025, has granted bail to this petitioner with certain conditions. As per one of the conditions, this petitioner has to surrender his passport and that the petitioner shall not leave the State of Tamil Nadu, without prior permission of the learned Judicial Magistrate. As per the directions of the learned Principal Judge, the petitioner has surrendered the Passport. Thereafter, this petitioner has moved an application in Crl.MP.No.1155 of 2025 in Crl.MP.No.905 of 2025 before the Principal Sessions Judge, Theni to return the passport and the same was dismissed. Challenging the same, the petitioner is before this Court.

2.The learned counsel for the petitioner submits that he has given all his original documents such as SSLC and other educational certificates with his employer at Singapore. He has been granted leave for a period of 40 days. In the

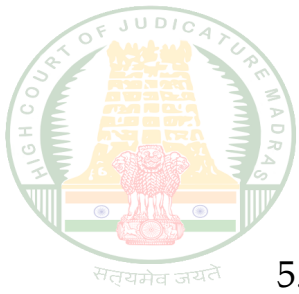


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event if he is not returning to Singapore, then the employer may retain his original certificates and then the petitioner would be put into great difficulties. Therefore, the petitioner seeking permission to return his passport for the purpose of going abroad to attend his job, as per his work condition, has filed the above application in Cr.MP No. 905 of 2025, seeking a direction to return the original passport. However, without considering the same, the learned Principal Sessions Judge has dismissed that application, by considering the opposition from the Public Prosecutor that this petitioner was not available for interrogation for a period of two years. The learned counsel further submits that the petitioner is ready to give substantial sureties for his availability during the trial.

3.Mr.A.S.Abul Kalaam Azad, learned Government Advocate (Crl.side), who takes notice for the respondent has raised objection that if this petitioner is allowed to return to Singapore, then he may not be available for interrogation in future. He further submits that the investigation is almost completed and they are about to file the final report.

4.This Court considered the rival submissions made and also perused the materials placed on record.



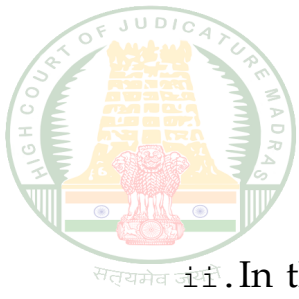
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5. Admittedly, this petitioner is working at Singapore. His wife committed suicide when he was at Singapore. The petitioner has returned to India and now he has been arrested pursuant to the look out circular issued by the respondent police. The petitioner was granted bail by the learned Principal Session Judge, Theni with a condition to surrender his passport. The petitioner claims that he is willing to appear and he is willing to give substantial sureties for his availability during the trial and also for the investigation. The petitioner was directed to furnish adequate sureties to the concerned Judicial Magistrate in Crime No.107 of 2023, with an affidavit of undertaking for his availability during the trial. The respondent claims that the investigation is almost completed and they are about to file the final report and therefore they have objected for return of passport, which leads to absconding of this petitioner.

6. Considering the facts and circumstances of this case and also considering the submissions of the petitioner's counsel, this Court is inclined to allow this Criminal Original Petition with the following directions:-

- i. The petitioner shall furnish two sureties to the like sum of Rs. 5,00,000 each, with an undertaking affidavit for the availability of this petitioner during the investigation and also for the trial.



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- i i .In the event if the learned Judicial Magistrate, **(*)Periyakulam** is satisfied that the petitioner would be available for the investigation and also for the trial, the trial Court shall return the original passport by obtaining an affidavit of undertaking from the petitioner that he must be available for the hearings as required by the Judicial Magistrate.
- i i i .In the event if the petitioner fails to appear, then it is open to the learned Judicial Magistrate to take action as against the sureties and recover the surety amount.

Sd/-

01.07.2025

(*)Corrected as per order of this Court dated 18/08/2025 made in Crl OP(MD)No.11068 of 2025

Sd/-

Assistant Registrar (CS II)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

vrn

To:-

- 1.The Principal Sessions Court, Theni
- 2.The Judicial Magistrate Court, Periyakulam.



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3.The Inspector Of Police,
Periyakulam Police Station,
Theni District.

4.THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

+1 CC to M/s.S.VIKRAM, Advocate (SR-38650[F] dated 01/07/2025)

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II/08.09.2025 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023