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WPMP CrI. No. 85 of 2
in W.P.No.27856 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

WPMP CrI. No. 85 of 2026

in

W.P.No.27856 of 2024

C.Sivasankaran
S/o. Late.R.Vallal RCK,
New No.78, Old No.30,
GIRI Road, T.Nagar,
Chennai.

..Petitioner(s)

Vs

1. Foreigner Regional Registration Officer(FRRO)
Bureau Of Immigration,
Ministry Of Home Affairs,
Government Of India,
No.26, Haddows Road,
Chennai-600 006.
2. The Secretary
Ministry Of Home Affairs,
Government Of India, South Block,
New Delhi-110 001.
3. The Deputy Superintendent of Police
Central Bureau of Investigation (CBI)
Bank Securities And Frauds Branch,
No.36, Bellary Road, Ganga Nagar,
Bangalore-32.
4. The Deputy Superintendent of Police
Central Bureau of Investigation (CBI),
Plot No.5-B, CGO Complex,
Lodhi Road, New Delhi-110 003.



5. The Central Vigilance Commissioner
Satarkata bhavan, A Block,
GPO Compelx, INA,
New Delhi-110 023.
6. The Assistant Foreigners Regional Registration
Officer,
Bureau of Immigration,
Anna International Airport,
Meenambakkam Airport,
Chennai-600 027.
7. The Director
Directorate Of Enforcement,
VI Floor, Lok Nayak Bhavan,
Khan Market, New Delhi-110 003.
8. The Joint Director
Directorate of Enforcement,
No.2, 5th and 6th Floor,
BSNL Administrative Building,
Kushkumar Road, Nungambakkam,
Chennai.
9. Serious Fraud Investigation Officer,
Assistant Director And Investigating Officer,
7th Floor, Fountain Telecom Building,
MG Road, Mumbai.

..Respondent(s)

PRAYER: This writ miscellaneous criminal petition filed under Article 226 of Constitution of India to clarify the conditions imposed upon the petitioner under paragraph 18(c), 18(d), 18(f) and 18(h) of the Order dated 21.12.2024 in WP.No.27856 of 2024 and permit the petitioner to travel abroad for a period of Fifteen (15) working days and pass such further or other orders.



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For Petitioner(s):

Mr.R. Rajarathinam
Senior Counsel
for Mr.S.Ravi

For Respondent(s):

Mr.K.Srinivasa Murthy
SPCCG for R1, R2 & R6.

Mr.K.Srinivasan
Special Public Prosecutor (CBI)
for R3 & R4

Mr.R.Rajesh Vivekanantham
Deputy Solicitor General of India
for R5 & R9

ORDER

This writ miscellaneous petition has been filed to clarify the conditions imposed upon the petitioner under paragraphs 18(c), 18(d), 18(f) and 18(h) of the order dated 21.12.2024 in WP.No.27856 of 2024 and permit the petitioner to travel abroad for a period of Fifteen (15) working days.

2.The petitioner earlier filed WP.No.27856 of 2024 with a prayer permitting the petitioner to travel abroad five (5) workings days of a month and for other further orders. This Court, by order dated 21.12.2024, passed elaborate order and in paragraph No.17 of that order, and imposed certain conditions and granted permission to the petitioner to travel abroad by imposing conditions in paragraph No.18 a to k.



3.This Court earlier by order dated 11.06.2021 in WMP.No.22920 of 2025 clarified with regard to paragraph No.18(j) of the order dated 21.12.2024 in W.P.No.27856 of 2024. Yet another petition filed by the petitioner in CrI.O.P.No.26696 of 2025 seeking permission for the petitioner travel to Seychelles for the reason to convert his passport to biometric passport. In WP.No.27856 of 2024 this Court by order dated 20.11.2025 permitted the petitioner to travel Seychelles for a period of ten days alone with certain conditions which he had complied.

4.Now, the present petition is filed seeking relaxation /modification of the conditions imposed in paragraph No.18(c), 18(d), 18(f) and 18(h).

5.The contention of the petitioner is that pursuant to the order of this Court, the petitioner approached Additional Chief Metropolitan Magistrate, Egmore, Chennai, where trial is pending in C.C.No.554 of 2023 and filed a petition for his proposed visit to Singapore for business meet from 26.01.2025 to 31.01.2025 and filed a memo on 03.01.2025 along with two surety bonds amounting to Rs.50 lakhs each and a personal bond for Rs.50lakhs and documents evidencing immovable property worth Rs.65crores as security and thereby, complied conditions imposed in paragraph 18(b) and 18(c). Further, the petitioner complied with conditions in paragraphs 18(a) and 18(g) by filing affidavit, giving details of his proposed date of travel from 26.01.2025 to



31.01.2025. Conditions in paragraph 18 (d), (e) and (f), complied with. In compliance to the condition to paragraph 18 (h), one of the surety namely Thenmozhi submitted her Passport to the CBI on 22.01.2025 and surety not yet withdrawn and taken back her passport. The Additional Chief Metropolitan Magistrate, Egmore, Chennai, accepted the personal bonds and security after verification and passed docket order on 09.01.2025.

6.Further, the petitioner filed an affidavit before all trial Courts, wherein, he is arrayed as an accused and also informed investigating agencies, and a communication sent to the originator of LOC. Though initially there was some restrictions for the petitioner to travel to Seychelles, after the order passed by this Court in CrI.O.P.No.26696 of 2025, the petitioner travelled to Seychelles and now, returned back. The order in CrI.O.P.No.26696 of 2025 is in continuation and extension of earlier order passed by this Court in W.P.No.27856 of 2024. The petitioner travelled to Seychelles on 18.12.2025 and returned on 27.12.2025.

7.He further submitted that the petitioner obtained now biometric passport. The petitioner since 2022, negotiating with IDBI Bank for One Time Settlement and IDBI Bank orally informed that One Time Settlement of the petitioner is under consideration, further a revised One Time Settlement from Rs.120 crores to 130 crores, given, pursuant to this proposal Rs.12crores and



Rs.10crores and Rs.36crores towards One Time Settlement paid till 16.12.2025.

On 19.12.2025, IDBI bank issued negotiated settlement, letter of approval for Rs.130crores and directed to pay balance amount of Rs.72 crores within nine months from the date of issuance of letter of approval.

8.Now, the petitioner seeks some relaxation/modification of the order dated 21.12.2024 passed in W.P.No.27856 of 2024 for the following conditions:

(i).Condition in paragraph 18(c) is that the petitioner shall produce security for Rs.50crores. It may be by himself alone or by him along with any other or others, or by any one or more persons on his behalf.

The contention of the petitioner is that the petitioner's sister Thenmozhi produced original titles deeds of immovable properties valued, more than Rs.50 Crores as security before Additional Chief Metropolitan Magistrate Court, Egmore and the same is recorded by the trial Court, vide docket order dated 09.01.2025, wherein, the sisters C.Thenmozhi and C.Santhabooshanam submitted title deeds of property.

His prayer is that this modification is required, since now One Time Settlement arrived for Rs.130 Crores and almost 50% of the amount paid and now Rs.72 Crores is left to be paid. If these properties documents are released, he will be in a position to comply with the condition without delay. Hence, sought modification.

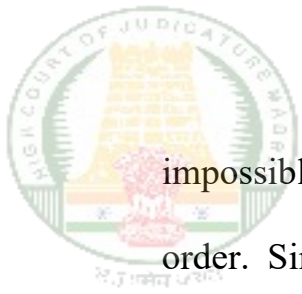


It is to be seen that in WMP.No.22920 of 2025 order dated 11.06.2025, this Court, considering the compliance of 18(c) condition by producing security for Rs.50crores, thereafter condition 18(j), clarified that the security of Rs.50 Crores properties to continue.

Hence, the petitioner's prayer with regard to condition 18(c) is rejected.

(ii).With regard to the modification sought for condition paragraph 18(d), restriction to travel any country, in which, India does not have an extradition treaty.

The learned Senior Counsel submitted that condition paragraph 18(d) is that the petitioner shall not visit Seychelles (with which India does not have an extradition treaty). Petitioner's request to travel to Seychelles may be considered later by the trial Court. This Court in Crl.O.P.No.26696 of 2025 by order dated 20.11.2025 permitted the petitioner to travel to Seychelles and petitioner travelled to Seychelles on 18.12.2025 and returned on 27.12.2025. According to learned Senior Counsel, this condition is only to the travel to Seychelles and not to other countries, where, there is no extradition treaty. This Court on 20.11.2025 in Crl.O.P.No.26696 of 2025 considering the apprehension of the prosecution that there is no extradition treaty, if the petitioner travels to Seychelles and stays back, then securing the petitioner would become



impossible and this Court imposed certain conditions in paragraph No.7 of the order. Similar conditions can be imposed during petitioner's travel to other countries including to the countries where India has no extradition treaty.

Thus, if the petitioner intends to travel to any other country, where, there is no extradition treaty, the petitioner to file a memo with complete details of his travel.

(i).The petitioner shall file a memo giving details of his travel itinerary, viz., likely date of departure from India and arrival to India along with copy of Air Ticket to the trial Court and a copy to be submitted to the respondent-investigating agency, on whose request, LOC issued.

(ii).The petitioner's daughter-in-law Mrs.P.Varsha Pothy or any relative to stand surety and to execute a bond for a sum of Rs.10 lakhs;

(iii).The petitioner to furnish all communication details to the country of travel, viz., place of stay, contact number and E-mail address;

(iv).The petitioner shall file an undertaking affidavit that he will not be a reason for stalling the progress of trial and he will appear before the trial Court as and when directed;

(v)The Look Out Circular issued by the CBI and other investigating agency against the petitioner shall stand suspended during the period when the petitioner leaves India in the manner as stated above and till he returns back to India.



(vi). The petitioner on his arrival to India, shall intimate the same to the trial Court and to the respondent investigating agency on whose request LOC issued.

Hence, this condition 18(d) clarified.

(iii).The condition in paragraph 18(f) is that the petitioner shall not travel abroad during the dates when any of the co-accused in any of the cases, in which, he is also an accused are themselves foreign nationals, travelled abroad. Paragraph 17(d) of the order dated 21.12.2024 in W.P.No.27856 of 2024 is as follows:

17(d). Where in a case more than one accused persons is a foreign national (as in the present case), not all the foreign nationals should be granted leave to travel abroad at the same time. It is advisable that at any point of time one foreign national alone may be allowed to travel abroad unless more than one is identically placed and seeks to travel abroad for an identical purpose. (for example, if there is a death, and if the foreign nationals against whom the LOC operates are the children of the one who died, then the Court may consider granting leave to travel abroad to both but not otherwise).

The learned Senior Counsel submitted that conjointly reading conditions in paragraph 18(f) and 17(d), it is clear that no foreign nationals, who are



accused in this case to travel to same foreign national country at given point of time and there are four cases against the petitioner and more than 100 accused in all four cases. If the condition is interpreted restrictively that at any point of time only one of the accused can travel to foreign country and the rest of the accused shall not travel would amount to total restriction and ban for the petitioner's travel to any foreign country and hence, it has to be read that no foreign national accused to travel to same country at given point of time but they can travel to different countries at any point of time. Hence, it is clarified that petitioner/Foreign national accused can travel at the same point of time, but to different countries.

Hence, the condition 18(f) is clarified.

(iv).With regard to relax the condition 18 (h) return of passport to the sister of the petitioner.

(i) It is for petitioner's sister, who submitted the passport to file appropriate petition before the concerned Court and seeks return of passport.

(ii)As regards the petitioner to travel abroad for a period of 15 working days, such prayer is not required, when there is no specific restricted period of travel, at the same time the petitioner cannot have prolonged period of stay in a foreign country. The travel to foreign country to be for a reason and for a reasonable specific period.



9.The learned Special Public Prosecutor appearing for CBI and Special Public Prosecutor for DGI filed their counters and both contents are similar. The learned Special Public prosecutor for CBI referring to paragraphs 8 and 10 in his counter, which extracted hereunder:

“8.That, the grounds for relaxation of condition imposed at para 18(f) of order dated 21.12.2024 of this Hon’ble Court in W.P.No.27856 of 2024, mentioned in para – 27 are not justified. The condition “ The petitioner shall not travel abroad during the dates when any of the co-accused in any of the cases in which he is also an accused are themselves foreign nationals, travelled abroad” is well-justified. In the instant case, the loan was sanctioned by IDBI Bank Limited to a foreign company and many of the co-accused including the petitioner are foreign nationals. A balance needs to be strike -out to ensure that not all foreigners leave the country at the same time as otherwise, they may escape and refuse to return to India to face criminal prosecution. Such a situation will cause national embarrassment and public faith in the system will erode.. Moreover, the trial will not be able to proceed at all if all the foreign nationals are travelling abroad all the time. This will be against the right to speedy trial as well.

10.that, the grounds mentioned in “para-29” seeking relaxation to travel abroad for Fifteen(15) working days in a month is not justified. The accused petitioner may not be allowed to dictate the pace of trial since continued absence for 15 days in a month will derail the accused. Seeking a threefold



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increase (5-15 days) is excessive and unreasonable, especially without any change in circumstances. The modification of conditions requires changed circumstances and not repetition of the earlier grounds. If at all required, the petitioner should seek case-specific permission for specific dates and purpose. A blanket monthly permission may not be permitted. The petitioner accused must remain readily available to the court, which 15 days/month undermines and weakens the court's effective control and judicial oversight. It is for the accused to strictly prove the compelling necessity for each travel and absence of such proof warrants dismissal.”

and submitted that this petition merely on apprehension of the petitioner that there is restriction to travel to foreign country. With regard to the petitioner travel to Seychelles, he was permitted with condition and returned back to India. He further submitted that though there is no restriction for the period of stay in foreign country and permitting petitioner to have an unlimited period of stay abroad, will affect the progress of trial and the petitioner to undertake foreign travel depending upon the need and requirement for a reasonable period.

10. Further, he submitted that there are four cases against the petitioner,

(i) in C.C.No.554 of 2023 pending before Additional Chief Metropolitan Magistrate, Egmore, Chennai, wherein, totalling 29 accused persons, in which, the petitioner is arrayed as A12.



(ii) in Spl.C.C.No.02 of 2021 pending before IX Additional Special Judge for CBI Cases, Chennai, wherein, totalling 25 accused, in which, the petitioner is arrayed as A1.

(iii) in Company Petition No.0100020 of 2019 before Sessions Judge, Sessions Court, Bombay, wherein, totalling 30 accused, in which, the petitioner is arrayed as A18.

(iv) in PMLA Special Case No.06 of 2019 pending before the 16th Court, City Sessions Court, Greater Bombay, wherein, totalling 27 accused, in which, the petitioner is arrayed as A7. Counter filed by the learned Special Public Prosecutor for DGI is also on the same line.

11.Considering the submissions of either side, the following clarification directive are as follows:

- (1).With regard to condition 18(c), no further modification required.
- (2).With regard to condition 18(d), the same is modified to the extent as follows:

(i).The petitioner shall file a memo giving details of his travel itinerary, viz., likely date of departure from India and arrival to India along with copy of Air Ticket before the trial Court and a copy to be submitted to the respondent-investigating agency on whose request LOC issued.



(ii).The petitioner's daughter-in-law Mrs.P.Varsha Pothy or any relative to stand surety and to execute a bond for a sum of Rs.10 lakhs;

(iii).The petitioner to furnish all communication details to the country of travel, viz., place of stay, contact number and E-mail address:

(iv).The petitioner shall file an undertaking affidavit that he will not be a reason for stalling the progress of trial and he will appear before the trial Court as and when directed;

(v)The Look Out Circular issued by the CBI and other investigating agency against the petitioner shall stand suspended during the period when the petitioner leaves India in the manner as stated above, till he returns back to India.

(vi). The petitioner on his arrival to India, shall intimate the same to the trial Court and to the respondent investigating agency on whose request LOC issued.

(3).With regard to condition 18(f), it has to be read that foreign national accused can travel at the same point of time but to different countries and it should be for a reasonable period and to ensure that the absence of the petitioner, no way affect the progress of trial.

(4).As regards condition 18(h), no modification is required.



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In view of the above clarifications, this writ miscellaneous petition is disposed of.

12-02-2026

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To

1. Foreigner Regional Registration Officer(FRRO)
Bureau Of Immigration,
Ministry Of Home Affairs,
Government Of India,
No.26, Haddows Road,
Chennai-600 006.
2. The Secretary
Ministry Of Home Affairs,
Government Of India, South Block,
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3. The Deputy Superintendent of Police
Central Bureau of Investigation (CBI)
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M.NIRMAL KUMAR, J.

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