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CRL MP No. 3155 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

**CRL MP No. 3155 of 2026
in Crl.O.P.No.19027 of 2025**

Alex Pandian

..Petitioner(s)

Vs

1. The State represented by its
The Inspector of police,
All Women Police Station, Virugambakkam,
Chennai.
Crime No.10 of 2025
2. R.Mary Asha

..Respondent(s)

To modify the condition no.9(d) in Crl.O.P.No.19027 of 2025
dated 28.08.2025 by permitting the petitioner to travel abroad.

For Petitioner(s): Mr.R.Shanmugasundaram, Senior Advocate
for M/s.Om Sai Ram

For Respondent(s): Ms.J.R.Archana, For R1
Government Advocate (Crl.Side)
Mr.A.Ashwin Kumar, for R2

ORDER

This petition has been filed to modify the condition No.9 (d) in
Crl.O.P.No.19027 of 2025 dated 28.08.2025 by permitting the petitioner to
travel abroad.



2. The learned Senior Counsel appearing for the petitioner submitted that the petitioner was originally working at Canada and during his visit to India, he had developed physical relationship with the defacto complainant in this case, it is further alleged that he made promise that he would divorce his wife and marry the defacto complainant and the same has not been complied with. The defacto complainant very well aware that the petitioner was working at Canada and eking out livelihood at Canada. Hence, the condition imposed for the petitioner to stay at India is causing prejudice to the interest of petitioner. He further submitted that the petitioner has also filed a quash petition before this Court in Crl.OP No.26260 of 2025 and there is a stay of the criminal proceedings and now the trial proceedings have not been proceeded, hence retaining the petitioner at India would not serve any purpose. Hence, prays to modify the condition.

3. The learned counsel for the 2nd respondent submitted that though it is true that trial proceedings were stayed, the petitioner if allowed to leave the country, there is a likelihood that he will not return back owing to his past conduct. This Court has already directed the trial Court to initiate surety action for his earlier violation of the very same condition. Hence, relaxing this condition would hamper the trial process hence prays to dismiss the petition. He further submitted that even if this Court is inclined to permit the petitioner to go abroad, it must be based on certain riders including recording of undertaking,



indicating the date on which he would return back to India.

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4.The learned Government Advocate (Crl.Side) for the 1st respondent reported that the trial of the case is not stayed and the same is pending due to order passed by this Court in Crl.O.P.No.19027 of 2025 by this Court.

5.I have considered the submissions made on both sides and perused the records.

6.Admittedly, earlier the petitioner has violated the very condition which is sought to be relaxed, and left India. A separate cancellation of bail petition was also moved before this Court by the defacto complainant and since the petitioner was gone out of the country, surety actions were directed to be initiated. Subsequently the petitioner has returned back to India and the surety actions were also recalled, now the petitioner is staying in India. However, the facts remains that no trial is progressing in this case. Further, the petitioner was originally was residing at Canada and eking out his livelihood. Under the said circumstances, to balance the interest of both sides, this Court is of the view that the petitioner could be permitted to go abroad, however it must be with certain conditions to ensure his presence during the trial. Accordingly, it is ordered that the petitioner shall file an affidavit before the Trial Court, intimating the dates on which the petitioner will be staying at Canada and the dates on which he will



return back to India. Further, the petitioner shall also file a original property documents either belongs to himself or belongs his family members with affidavit of the original owner before the concerned Magistrate for securing his return to India whenever it requires.

27-02-2026

GBI

To

1. The State represented by its
The Inspector of police,
All Womens Police Station, Virugambakkam,
Chennai.
Crime No.10 of 2025
2. R.Mary Asha
D/o.T.Parthalom,
No.33/15, Gods Gift Apartments,
Thiruvallur Street, Saligramam,
Chennai - 600 093.
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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