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CRL OP No. 13588 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 13588 of 2026

Fancy Nachimuthu Durai
S/o. Nachimuthu,
No.29, NGR Nagar,
Tiruppur-641 601

..Petitioner

Vs

State Represented by
The Inspector of Police
CBI/ACB/Chennai.
RC.No.22/A/2020.

..Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the order dated 14.05.2026 passed in Crl.M.P. No.4237 of 2026 in C.C.No.1782 of 2022 on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai, and set aside or suitably modify the onerous conditions imposed therein, particularly conditions(g), (h), (i) and (j), and consequently permit the petitioner to travel abroad upon compliance with reasonable and practicable conditions.

For Petitioner : Mr.K.M.D.Muhilan
for Mr.Prahalad Bhat

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor



ORDER

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The petitioner/A2 in C.C.No.1782 of 2022 had filed a petition before the trial Court in Crl.M.P.No.4237 of 2026 seeking to travel abroad to Republic of Turkey and United States of America. The Trial Court, by an order dated 14.05.2024, permitted the petitioner to travel abroad by imposing certain conditions. Aggrieved with the conditions (g), (h), (i) and (j), the petitioner filed the above petition. As regards the conditions (a) to (f), the petitioner shall comply the same.

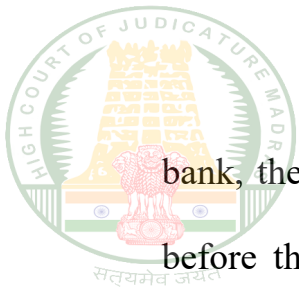
2. The contention of the learned counsel for petitioner is that the petitioner is the Proprietor of M/s.Cliff India Corporation, a business entity engaged in the manufacture and export of readymade garments. The petitioner availed business loan and financial assistance from Punjab National Bank, Mylapore Branch. The Punjab National Bank sanctioned Rs.475 lakhs as cash credit facility and Rs.500 lakhs as packing credit facility and Ad hoc limit of Rs.95 lakhs was also granted. Thereafter, the petitioner faced some difficulty and failed to conduct business operations as projected and became defaulter in repayment of sanctioned loan amount as per the conditions. The petitioner hypothecated his stocks as security. Since the loan became NPA, the bank took steps for recovery of the loan and also lodged a complaint to the CBI, who registered a case. After completion of investigation, charge sheet filed and the



respondent/CBI issued Look Out Circular (LOC) and hence, petitioner's travel abroad was restricted. Thereafter, the petitioner filed W.P.No.2842 of 2024 before this Court seeking direction to issue no objection for the petitioner's international travel. This Court, directed the petitioner to approach the Trial Court. Thereafter the present petition filed before the trial Court. In the present petition, the Trial Court convinced and permitted the petitioner to travel but with certain conditions, some of the conditions are onerous and due to which the petitioner, despite obtaining the order, is unable to travel.

3. The learned Special Public Prosecutor filed his counter and submitted that the petitioner is facing two criminal cases in RC 2(A)/2019 (C.C.No.21 of 2021 on the file of learned XI Additional Sessions Court (For CBI cases), Chennai) and RC 22(A)/2020 (C.C.No.1782/2022 on the file of learned Additional Chief Metropolitan Magistrate Court, Egmore, Chennai). Further the petitioner has mentioned in the petition before this Court that he had another Cheque bounce case pending. The Trial of the cases are in progress and petitioner in person appeared only on few hearing dates.

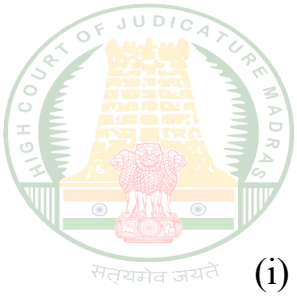
4. He further submitted that the petitioner right from the initial stage submitting that he is taking steps to settle the issue with the bank, but so far, not taken any steps in this regard. Even, if he settles the amount pending to the



bank, the criminal case would continue and the petitioner has to face the trial before the Courts. Already petitioner made efforts to stop the business from failing by availing the second loan through bank official/A1 in this case and failed in his attempt. Further the cheque bounce case is also pending. Now the petitioner's request has to be considered in this background, the petitioner failed in his initial business, further obtained loan through his subordinate and he has also failed in that case. It is suspected that the petitioner is creating ways and means to escape from attending trial and once for all he will escape and will never return to India. The petitioner has failed in all his businesses and no business is available with the petitioner to show the investor is at Republic of Turkey.

5. He further submitted that the Trial Court already permitted the petitioner to travel. The only concern of the respondent/CBI is that petitioner to be available during trial and his absence should not stall the progress of the trial.

6. Considering the submissions made on either side and on perusal of the materials, the conditions (g) to (j) in the order dated 14.05.2026 passed in CrI.M.P.No.4237 of 2026 are modified as follows:



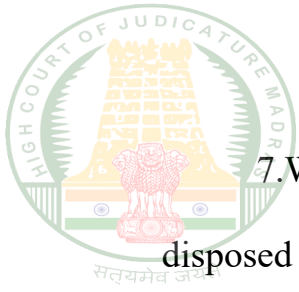
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(i) The condition (g) and consequential condition (h) are not required and the same are set aside;

(ii) The condition (i) is modified as follows:

The petitioner shall execute a personal bond for a sum of Rs.10 lakh and produce one surety for likesum. The petitioner shall file an affidavit before the Trial Court and copy of the same to be submitted to the respondent/CBI giving details of his travel itinerary, viz., likely date of departure from India and arrival to India, on or before 12.07.2026. The petitioner shall furnish the communication details in Republic of Turkey and United States of America, viz., place of stay, contact number and E-mail address.

(iii) The condition (j) is modified that one of the sureties either a relative or business surety of the petitioner shall possess an Indian Passport. The said surety holding Indian Passport shall leave his/her passport with the CBI, who shall issue an acknowledgment of receiving that passport and hold the passport till the return of the petitioner back to India. The petitioner on his arrival to India, shall intimate the same before the trial Court as well the respondent/CBI, who thereafter would immediately release the passport submitted.



7. With the above modifications, the Criminal Original Petition is disposed of.

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02-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP
To

1. The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.

2. The Inspector of Police
CBI/ACB/Chennai.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN J.

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