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CRL OP(MD) No.3427 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	06.03.2026
Pronounced On	:	11.03.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.3427 of 2026

and

Crl.M.P.(MD).No.4390 of 2026

Raja

... Petitioner

Vs

The State Rep.By,
The Inspector of Police,
All Women Police Station,
Srirangam,
Trichy District.
(Cr.No.32 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 528 of BNSS and 483(1) of BNSS to relax the conditions imposed by the learned Principal District and Sessions Judge, Trichirappalli, in Crl.M.P.No.613 of 2006, dated 11.02.2026.

For Petitioner : Mr.G.Karuppasamy Pandian for
Mr.M.Velmurugan

For Respondent : Mr.M.Karunanithi
Government Advocate (Criminal Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 23.12.2025 for the offences punishable under Sections 294(b), 417 and 506(i) of IPC, in Crime No.32 of 2025, on the file of the respondent police, sought bail before the learned I Additional District Judge, in Cr.M.P.No.212 of 2026.

2.The *defacto* complainant has alleged that the petitioner had sexual intercourse with her on the basis of a false promise of marriage. As a result of the said relationship, the de facto complainant became pregnant. Thereafter, the petitioner, who was residing abroad, assured the de facto complainant that he would return to India and marry her. However, after returning, he allegedly refused to marry her. Aggrieved by the same, the de facto complainant lodged a complaint before the respondent police, and based on the said complaint, the respondent police registered a case in **Crime No. 32 of 2025** for the alleged offences.

3.Subsequently, the learned I Additional District Judge, (PCR), by order dated **10.01.2026**, granted bail to the petitioner with the following conditions:

1.The petitioner/accused is order to be released on bail on executing his own bond for a sum of Rs.25,000/- with two sureties each for a like sum to the satisfaction of the District Munsif cum



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Judicial Magistrate, Srirangam.

2.The petitioner/accused shall appear and sign before the respondent police station daily at 10.00 am., until further orders.

3.The petitioner/accused shall make himself available for interrogation by the police officers as and when required.

4.The petitioner/accused shall not tamper with evidence or witness either during investigation or trial.

5.The petitioner/accused shall not abscond either during investigation or trial.

6.The Magistrate/Trial Court on breach of any of the aforesaid conditions, is entitled to take appropriate action against the petitioner/accused in accordance with law as if the conditions has been imposed and the petitioner/accused was released on bail by the Magistrate/Trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala (2005) AIR SCW 5560.

7.If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS 2023

4. Thereafter, the petitioner filed a petition seeking relaxation of the said condition in Cr.M.P.No.613 of 2026. The learned Principal District and Sessions Judge, by order dated **11.02.2026**, modified the earlier conditions and imposed the following conditions:

1.The petitioner/accused shall not leave from India without prior permission from the concerned Court;



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2.The petitioner/accused shall surrender his passport to the Judicial Magistrate Court;

3.The petitioner/accused shall appear and sign before the respondent police station weekly once on every Monday at 10.00 a.m, until further orders.

5. Thereafter, the petitioner approached this Court by filing **Crl.O.P. (MD).No.3427 of 2026 for modification**. Since this Court was not inclined to grant the prayer as originally sought for and the petitioner thereafter filed a petition in Crl.M.P.(MD).No.4390 of 2026 to amend the prayer seeking modification of the condition imposed in **Crl.M.P. No. 613 of 2026** on the file of the learned Principal District and Sessions Judge, Trichirappalli.

6. The learned counsel for the petitioner submitted that the Sessions Court has **no jurisdiction to direct the surrender of the passport** and relied upon a judgment of the Hon'ble Supreme Court in the case of **Suresh Nanda vs. Central Bureau of Investigation** reported in **(2008) 2 SCC (cri) 12**. According to the learned counsel, no criminal court has jurisdiction to direct surrender of the passport, and therefore the direction issued by the learned Sessions Judge while considering the relaxation petition is contrary to law. Hence, he sought modification of the said condition.



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7. Per contra, the learned Additional Public Prosecutor submitted that the learned Sessions Judge, after considering the circumstances of the case, rightly imposed the condition directing surrender of the passport. It was submitted that the petitioner had earlier gone abroad after allegedly having sexual intercourse with the de facto complainant on the false promise of marriage, and thereafter refused to marry her. Considering the possibility that the petitioner may again leave the country, the Court imposed the condition in order to secure his presence during the course of the trial. The learned Additional Public Prosecutor further submitted that **directing surrender of the passport is distinct from impounding the passport**. While impounding the passport falls within the domain of the Passport Authority, the criminal court has the power, while granting bail or relaxing conditions, to direct the accused to surrender the passport in order to ensure his presence before the court during trial.

8. This Court considered the rival submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available record and also the precedents relied upon by the petitioner.

9. The petition filed by the petitioner seeking relaxation or amendment of



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the prayer for modification of the condition is **not legally maintainable**, as the prayer sought for is not in consonance with the arguments advanced by the learned counsel for the petitioner. If the contention of the petitioner is that the Court has **no jurisdiction to impose such a condition**, the proper course would have been to file a petition seeking to **set aside the condition**. Without doing so, the petitioner has filed a petition for relaxation and thereafter sought amendment of the prayer. Therefore, the petition is liable to be dismissed as **not maintainable**.

10.However, insofar as the incidental legal issue raised by the petitioner is concerned, namely that the court has no jurisdiction to impose a condition directing surrender of the passport while granting bail or while relaxing the conditions of bail, it is well settled that the criminal court has the power to impose such a condition in order to secure the presence of the accused during trial.

11.In the present case, it is specifically submitted by the learned counsel appearing for the victim that there was an apprehension that the petitioner may leave the country and may also upload the obscene photographs of the victim. According to the de facto complainant, the petitioner, after having sexual



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intercourse with her on the false promise of marriage, not only refused to marry her but also **criminally intimidated her by threatening to upload her obscene photographs** in facebook.

12.Considering the apprehension expressed by the de facto complainant during the hearing of the relaxation petition, the learned Principal District and Sessions Judge found that if the condition is relaxed without directing surrender of the passport, there is every possibility that the petitioner may leave the country and evade the trial, and there is also a likelihood of misuse of the said situation to further threaten the victim. Therefore, in order to secure the presence of the petitioner and to safeguard the interests of the victim, the learned Judge rightly directed the petitioner **to surrender his passport before the jurisdictional Magistrate**. The precedent relied upon by the learned counsel for the petitioner, to the effect that the Court has no power to impound a passport, are not applicable in the present case. In the said decision, the investigating agency had seized the passport under Section 102 of the Code of Criminal Procedure. The Hon'ble Supreme Court held that the investigating agency has no authority to seize a passport and produce it before the Court, as the Passport Authority alone has the power to impound a passport. Impounding of a passport is quite distinct from a direction issued by a Trial Court or any



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Criminal Court requiring the accused to surrender the passport as a condition during investigation or trial. Such a direction may be issued to prevent the accused from evading the process of law and to ensure his appearance before the Court without causing any hindrance to the trial. Therefore, the Court has the power to impose such conditions if it considers them necessary. In the present case, as already stated, there was an apprehension on the part of the victim that if the petitioner was allowed to travel abroad, he might not only fail to appear before the Court for trial but might also upload obscene materials in face book from a foreign country, which would infringe upon the privacy of the victim.

13. In various judgments, including the Constitution Bench decision in **Maneka Gandhi v. Union of India**, the Hon'ble Supreme Court has held that reasonable restrictions may be imposed in accordance with law. In number of occasions, the Hon'ble Supreme Court and various High Courts imposed the condition to surrender the passport as a condition in the light of the facts of the particular case and also imposed the condition that the accused shall not leave India without previous permission of the trial Court where the criminal case is pending against him. The Hon'ble Supreme Court in the case of in the case of ***Siddharam Satlingappa Mhetre vs State Of Maharashtra And Ors*** reported in



AIR 2011 SCC 312 has given various suggestions and the same reads as follows:

127. Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case. In case, the State consider the following suggestions in proper perspective then perhaps it may not be necessary to curtail the personal liberty of the accused in a routine manner. These suggestions are only illustrative and not exhaustive.

1) Direct the accused to join investigation and only when the accused does not cooperate with the investigating agency, then only the accused be arrested.

2) Seize either the passport or such other related documents, such as, the title deeds of properties or the Fixed Deposit Receipts/Share Certificates of the accused. prosecution are necessary in view of the facts of the particular case

3) Direct the accused to execute bonds;

4) The accused may be directed to furnish sureties of number of persons which according to the prosecution are necessary in view of the facts of the particular case;

5) The accused be directed to furnish undertaking that he would not visit the place where the witnesses reside so that the possibility of tampering of evidence or otherwise influencing the course of justice can be avoided.

6) Bank accounts be frozen for small duration during



investigation. In case the arrest is imperative, according to the facts of the case, in that event, the arresting officer must clearly record the reasons for the arrest of the accused before the arrest in the case diary, but in exceptional cases where it becomes imperative to arrest the accused immediately, the reasons be recorded in the case diary immediately after the arrest is made without loss of any time so that the court has an opportunity to properly consider the case for grant or refusal of bail in the light of reasons recorded by the arresting officer.

130. Exercise of jurisdiction under section 438 of Cr.P.C. is extremely important judicial function of a judge and must be entrusted to judicial officers with some experience and good track record. Both individual and society have vital interest in orders passed by the courts in anticipatory bail applications.

131. It is imperative for the High Courts through its judicial academies to periodically organize workshops, symposiums, seminars and lectures by the experts to sensitize judicial officers, police officers and investigating officers so that they can properly comprehend the importance of personal liberty vis-à-vis social interests. They must learn to maintain fine balance between the personal liberty and the social interests.

13.1. In the case of ***V. Senthil Balaji Versus Deputy Director, Directorate of Enforcement*** reported in ***2024 SCC OnLine SC 2626*** also, the Hon'ble Supreme Court while granting bail imposed the following conditions:



31. *Therefore, the appeal is allowed, and the appellant shall be enlarged on bail till the final disposal of CC No. 9 of 2023 pending before the Principal Session Judge, Chennai, on the following conditions:*

....

....

d. Before the appellant is enlarged on bail, he shall surrender his passport to the Special Court under the PMLA at Chennai;

....

13.2. Similarly, in the case of ***Munish Bhasin & Ors. Versus State*** in Crl.A.No.344 of 2009 also the Hon'ble Supreme Court imposed the following conditions:

7. From the perusal of the provisions of sub-section (2) of section 438, it is evident that when the High Court or the Court of Session makes a direction under sub-section (1) to release an accused alleged to have committed non-bailable offence, the Court may include such conditions in such direction in the light of the facts of the particular case, as it may think fit, including

(i) a condition that a person shall make himself available for interrogation by police officer as and when required,

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer,



(iii) a condition that the person shall not leave India without the previous permission of the Court and

(iv) such other conditions as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section. Sub-section (3) of Section 437, inter alia, provides that when a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter XVI or Chapter XVII of the Indian Penal Code or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail under sub- section (1), the Court shall impose the following conditions-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence. The Court may also impose, in the interests of justice, such other conditions as it considers necessary.

14. Therefore, this Court finds no merit in this Criminal Original Petition and the learned Principal District and Sessions Judge, rightly imposed the



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condition to surrender the passport and obtain the permission from the trial Court before leaving India. This Court also as discussed above, accepting the apprehension of the *defacto* complainant that permitting the petitioner to travel abroad would encourage him uploading of obscene photographs of the victim in face book. Apart from that, it is also noted that there is no averment in the petition that the petitioner had any urgent requirement to travel abroad for any genuine purpose. It is open to the petitioner to file appropriate petition before the learned Trial Judge if there is genuine purpose for him to travel abroad, stating the reasons for such travel.

15. Accordingly, this Criminal Original Petition is dismissed with the observation that if it becomes necessary for the petitioner to travel abroad for any genuine reason, it is open to him to approach the learned Trial Judge, who shall consider the request and pass appropriate orders after satisfying himself regarding the necessity of the travel and the assurance of the petitioner's presence before the Court.

11.03.2026

sbm



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To

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1. The Inspector of Police,
All Women Police Station,
Srirangam,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN.J,

sbn

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