



CRL MP(MD). No.9370 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P. DHANABAL

**CRL MP(MD). No.9370 of 2026
in Crl.OP(MD) No.17703 of 2025**

1. Riswana Begam

2. Mohammed Nabeen

... Petitioners

Vs

The State of Tamil Nadu, Rep,
by the Senior Intelligence Officer,,
Directorate of Revenue Intelligence,
Sub Regional Unit,
No. 13/14, Saraswathi Nagar,
Mahatma Gandhi Nagar, Madurai

... Respondent

PRAYER :-

Criminal Miscellaneous Petition filed to modify condition (b) of the bail order dated 16.10.2025 made in Crl O.P.(MD). No.17703 of 2025 by directing release of the petitioners Passport, in the interest of justice.

For Petitioners : Mr.Sankarapandian S

For Respondent : Mr.S.Gurumoorthy,
Special Public Prosecutor



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ORDER

This petition has been filed to modify condition (b) in Crl.O.P.(MD).No.17703 of 2025, dated 16.10.2025, thereby prays to release the Passport of the petitioners.

2.The learned counsel appearing for the petitioners would submit that based on the complaint lodged by the defacto complainant the respondent police have registered a false case against the petitioners and they were enlarged on bail as per the order of this Court in Crl.OP(MD) No.17703 of 2025, dated 16.10.2025, in which, in condition No.6(b) the petitioners were directed to surrender their Passports and shall not leave India without prior permission. Thereafter the petitioners approached this Court in Crl.M.P.(MD) No.20133 of 2025 to relax the said condition and the same was dismissed by this Court on 19.01.2026. As per Passports Act, the competent authority to impound the Passport is only the Passport Authorities. Therefore, the aforesaid condition imposed by this Court to surrender Passport is not in accordance with law. Hence, prays to modify the said condition.



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7. On a careful perusal of the above said judgments, it is clear that the Court may, if it thinks fit, impound any document or thing produced before it under Section 104 of Cr.P.C., and this provision will only enable the Court to impound any document or thing other than a Passport. This is because impounding a Passport is provided for in Section 10(3) of the Passports Act. The Passports Act is a special law while the Cr.P.C., is a general law. Therefore impounding of a Passport cannot be done by the Court under Section 104 Cr.P.C., though it can impound any other document or thing. It is well settled that the special law prevails over the general law. So far as Passport is concerned the Passport authorities alone can impound Passport and the trial Court while granting bail cannot impose such a condition to deposit the Passport. If at all the Court wants to impound Passport the same can be done through the concerned authorities. In the case on hand also this Court has imposed the condition to surrender the Passport of the petitioners and the same is not in accordance with law and is liable to be set aside.



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8. In view of the same, the condition No.6(b) imposed by this Court in Crl.OP(MD) No.17703 of 2025, dated 16.10.2025 directing the petitioners to surrender their Passport alone is set aside. All other conditions in the said order shall remain intact.

9. In the result, the petition stands partly allowed.

30.04.2026

PNM

TO

1. The Senior Intelligence Officer,,
Directorate of Revenue Intelligence,
Sub Regional Unit,
No. 13/14, Saraswathi Nagar,
Mahatma Gandhi Nagar, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J

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ORDER
IN
CRL MP(MD) No.9370 of 2026

Date : 30/04/2026