

CRL OP(MD). No.6022 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 06.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.6022 of 2026

Raja

...Petitioner/Accused

Vs

The Inspector of Police
All Women Police Station,
Srirangam
Trichy District
Crime No. 32 of 2025

...Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandian

For Respondent : Mr.M.Karunanidhi

Government Advocate(Crl.Side)

Petition for relaxation under Section 483(1)r/w.528 of BNSS

PRAYER :- To set aside and relax the impugned condition Nos. 1 to 3 imposed by the learned Principal District and Sessions Judge, Tiruchirapalli in Crl.M.P.No.613 of 2026 dated 11.02.2026.

1/7



CRL OP(MD). No.6022 of 2026

ORDER : The Court made the following order :-

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This petition has been filed to set aside the condition nos. 1 to 3 imposed by the learned Principal District and Sessions Judge, Tiruchirapalli in Crl.M.P.No.613 of 2026 dated 11.02.2026.

2. The learned counsel appearing for the petitioner would submit that based on the complaint lodged by the defacto complainant the respondent police have registered a false case against the petitioner for the offences under Sections 294(b), 417 and 506(i) of IPC and the petitioner was arrested and remanded to judicial custody on 23.12.2025. Thereafter the petitioner approached the Sessions Court for bail in Crl.M.P.No.212 of 2026 and the Sessions Court has granted bail on 10.01.2026. Thereafter the petitioner has filed another petition in Crl.M.P.No.613 of 2026 to relax the condition imposed by the Sessions Court and the Sessions Court by an order dated 11.02.2026 modified the conditions as follows:

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

b) The petitioner /accused shall surrender his passport to the jurisdictional magistrate Court

2/7



CRL OP(MD). No.6022 of 2026

c) The petitioner/accused shall appear and sign before the respondent

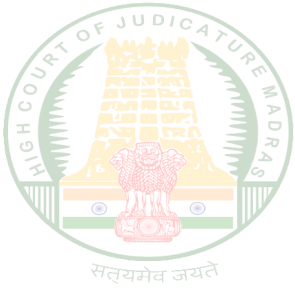
police station weekly once on every Monday at 10.00a.m., until further orders.

3. The condition to surrender the passport is in violation of Article 21 of the Constitution of India. Further the Sessions Court has no right to impound the passport and as per the passport act, the competent authority is the passport authorities, however exceeding the limit the Sessions Court had directed the petitioner to surrender the passport, therefore the condition imposed by the Sessions Court directing the petitioner to surrender the passport is liable to be set aside.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that considering the gravity of offence the Sessions Court had directed the petitioner to surrender the passport before the concerned jurisdictional magistrate Court and in order to secure the presence of the petitioner the Sessions Court had imposed the condition, thereby seeks dismissal of the petition.

5. Heard both sides and perused the materials available on record.

3/7



CRL OP(MD). No.6022 of 2026

WEB COPY

6. In this case the prosecution has registered the case against the petitioner for the offences under Sections 294(b), 417 and 506(i) of IPC and the petitioner was granted bail by the Sessions Court in CrI.M.P.No. 212 of 2026 on 10.01.2026 and thereafter the petitioner had approached the Sessions Court for modification of the bail condition and the Sessions Court through an order dated 11.02.2026 in CrI.M.P.No.613 of 2026 modified the condition and directed the petitioner/accused not leave from India without prior permission from the concerned Court and to surrender his passport to the jurisdictional magistrate Court and to appear and sign before the respondent police station weekly once on every Monday at 10.00a.m., until further orders. Aggrieved by the said condition the present petition has been filed.

7. The main contention urged by the learned counsel appearing for the petitioner is that the Sessions Court has imposed condition to surrender his passport and the same is against law and also under Section 109 of BNSS., the Court has no power to impound passport. As per passport act the competent authority has to take steps to impound the passport, therefore according to the petitioner the condition imposed by the Sessions Court to

4/7



CRL OP(MD). No.6022 of 2026

surrender passport is not in accordance with law. To substantiate the

contention he relied on the following judgments:

a) Suresh Nanda .vs. Central Bureau of Investigation reported in (2008)2 SCC(Cri.) 121

b)Praveen Surendiran vs. The State of Karnataka in Criminal Petiion No.1892 of 2022.

8. 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., in our opinion, 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

5/7



CRL OP(MD). No.6022 of 2026

case on hand also the Sessions Court has imposed the condition to surrender the passport before the Sessions Court and the same is not in accordance with law.

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9. In view of the same, the condition No. 2 imposed by the Sessions Court directing the petitioner to surrender his passport to the jurisdictional magistrate Court is alone set aside. All other conditions shall remain intact.

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

(P D B J)
06.04.2026

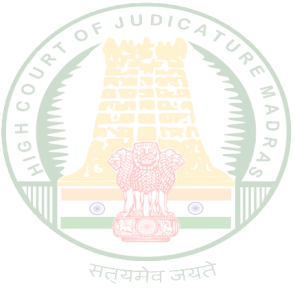
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Note: Issue order copy on 07.04.2026

To

- 1.The Principal District and Sessions Judge, Tiruchirapalli
2. The Inspector of Police
All Women Police Station,
Srirangam
Trichy District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

6/7



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CRL OP(MD). No.6022 of 2026
P. DHANABAL, J

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ORDER
IN
CRL OP(MD) No. 6022 of 2026

Date : 06.04.2026