

THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF ANDHRA PRADESH

MONDAY THIS THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE M.S.RAMACHANDRA RAO

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CRIMINAL PETITION No.3278 of 2015

Between:

Smt.Paruchuri Manikyamba

..... PETITIONER

AND

The State of Andhra Pradesh,

Rep.by its Public Prosecutor,

High Court at Hyderabad

.....RESPONDENT

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRIMINAL PETITION No.3278 of 2015

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ORDER:

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This criminal petition is filed under Section 482 Cr.P.C challenging the order dated 21.01.2015 in CrI.M.P.No.2558/2014 passed by the Judge, Family Court-cum-Additional District and Sessions Judge, Guntur in Cr.No.70 of 2013 of Pattabhipuram Police Station (in connection with C.C.No.603/2014 on the file of the Special First Class Magistrate, Guntur).

2 .The petitioner is Accused No.3 in the aforesaid calendar case. The petitioner had been granted anticipatory bail on 01.03.2013 by the XII Additional Sessions Judge-cum-Judge, Family Court, Guntur in CrI.M.P.No.404/2013, subject to certain conditions, including a condition that she shall not leave India without previous permission of the Court.

3 .The petitioner intended to go to USA and approached this Court in

Crl.P.No.12288/2013 to relax the condition imposed by the XII Additional Sessions Court, Guntur in its order dated 01.03.2013 in Crl.M.P.No.404/2013 that she shall not leave India.

4. By order dated 03.01.2014, this Court allowed the said criminal petition and permitted the petitioner to leave India for a period of 4½ months from 16.01.2014 and to go USA to participate in the 1st death anniversary ceremony of her husband, subject to the following conditions;

- i. The petitioner is directed to furnish her residential address during her stay in U.S.A along with her contact number to the Court of Judicial Magistrate of First Class for Prohibition and Excise, Guntur;
- ii. The petitioner shall either deposit cash of Rs.5,00,000/- or a fixed deposit receipt of any Nationalized Bank for the said amount as security in the Court of Judicial Magistrate of First Class for Prohibition and Excise, Guntur;
- iii. The petitioner shall give an undertaking before the trial Court to the effect that she will come back to India on or before 01.06.2014 and report to the Court about her presence in India, failing which the amount deposited shall stand forfeited.

5. Thereafter, the petitioner came back from U.S.A.

6. The petitioner again made an application in Crl.M.P.No.2558/2014 before the Judge, Family Court-cum-Additional District and Sessions Judge, Guntur seeking permission to go to Australia, since her daughter who is residing there is suffering from cancer and the presence of the petitioner is required there. She again sought for relaxation of condition that she shall not leave India imposed in the order dated 01.03.2013 in Crl.M.P.No.404/2013. The said application was dismissed by the Court below vide order dated 21.01.2015, stating that since on the earlier occasion the petitioner approached this Court, it cannot relax the condition.

7. Challenging the same, the present criminal petition is filed.

8 . Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor for the respondent.

9. I am of the considered opinion that it was open to the Court below to modify the conditions and it was not necessary for the Court below to dismiss it on the ground that on the previous occasion the petitioner approached this Court in CrI.P.No.12288/2013, since the basis of the present request of the petitioner is a new event and the permission earlier granted by this Court had exhausted itself when once the petitioner went to U.S.A and came back to India.

10. In this view of the matter, I am of the opinion that the condition imposed by the Court below in the order dated 01.03.2013 in CrI.M.P.No.404/2013 may be relaxed, and the petitioner may be permitted to leave India to go to Australia for a period of 6 (six) months, commencing from 07.05.2015, subject to the following conditions;

- i. The petitioner is directed to furnish her residential address during her stay in Australia along with her contact number to the Court of Judicial Magistrate of First Class for Prohibition and Excise, Guntur;
- ii. The petitioner shall either deposit cash of Rs.5,00,000/- or a fixed deposit receipt of any Nationalized Bank for the said amount as security in the Court of Judicial Magistrate of First Class for Prohibition and Excise, Guntur;
- iii. The petitioner shall give an undertaking before the trial Court to the effect that she will come back to India on or before 06.11.2015 and report to the Court about her presence in India, failing which the amount deposited shall stand forfeited.

11. The Criminal Petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

M.S.RAMACHANDRA RAO,J

Date: 27.04.2015

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