

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.11404 of 2015

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ORDER:

Heard.

The petitioner, who is stated to be employed in United Kingdom, is an accused in Cr.No.60 of 2011 on the file of Women Police Station, CCS, CID, Hyderabad, which is now pending in C.C.No.52 of 2013 before XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The I Additional Metropolitan Sessions Judge, Hyderabad, by order, dated 21-06-2013, in Crl.M.P.No.2253 of 2013, granted anticipatory bail to the petitioner subject to certain conditions, which include that the petitioner shall surrender his passport before the trial court or before the arresting police officer as the case may be. Seeking relaxation of the conditions as to sureties as well as the passport, the petitioner filed Crl.P.No.12976 of 2013 before this Court. It appears that the 6th respondent, who is the wife of the petitioner, filed Crl.R.C.No.2274 of 2013 before this Court and both the said matters were heard together and disposed of by order of this Court, dated 28-11-2013. The operative portion of the said order reads as follows:-

Considering the submission made by the petitioner, I am of the view that the surety can be reduced. Instead of Rs.6 lakhs, the petitioner is directed to furnish surety for an amount of Rs.2 lakhs with two sureties for a like sum each and the condition is accordingly modified. The petitioner, however, is directed to furnish his address in United Kingdom before the trial Court with telephone numbers and other details. He is also directed to furnish an undertaking to the effect that he would attend the Court as and when required.

In view of the above, the Crl.R.C.No.2274 of 2013 is dismissed and Crl.P.No.12976 of 2013 is allowed.

In view of relaxation of the conditions, the petitioner has approached the

Immigration authority/5th respondent to take his passport and travel to United Kingdom, but the petitioner was not permitted to immigrate on the ground that LOC is pending against him. The petitioner has questioned the said action of respondents 3 to 5 in not permitting him to join his employment in the United Kingdom in pursuance of the order of this Court. Hence, the present writ petition.

Learned Government Pleader for Home has received instructions, which refer to relaxation of conditions by this Court in Crl.Petition, referred to above. However, the instructions state that the said relaxation was only for a period of six months, which does not appear to be correct. On the basis of the orders of the I Additional Metropolitan Sessions Judge, Hyderabad as well as the orders of this Court, the petitioner is unable to immigrate in view of the objections of the 5th respondent.

Evidently, the order of this Court relaxing the conditions and returning the passport to the petitioner requiring him to give his address of U.K. and undertaking to the effect that he would attend the Court as and when required is stated to have been not complied with by the petitioner.

In the circumstances, therefore, respondents 3 and 4 are required to look into the orders passed by the learned Magistrate and the orders of this Court referred to above and advise the 5th respondent accordingly, so as to enable the petitioner to take his employment in United Kingdom. The petitioner, therefore, is at liberty to file a representation before respondents 3 and 4 together with copies of the orders of the I Additional Metropolitan Sessions Judge, Hyderabad as well as this Court to enable respondents 3 and 4 to examine them and communicate appropriate advise to the 5th respondent. As soon as the representation is filed by the petitioner, respondents 3 and 4 shall act within a reasonable time and take appropriate decision as referred to above.

Accordingly, the writ petition is disposed of. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 01-05-2015

Prv

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