

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.7925 of 2015

ORDER:

1. This Criminal Petition is filed by the petitioner-accused No.5 seeking to relax the conditions imposed by the Principal Sessions Judge, Guntur, while granting bail to her vide order dated 12.5.2014 in Crl.M.P.No.842 of 2014.

2. The petitioner filed the above Crl.M.P.No.842 of 2014 before the Principal Sessions Judge under Sections 437 and 439 IPC seeking to grant bail in Crime registered by CID Police, Guntur in Crime No.10 of 2007 for the offence punishable under Sections 420 IPC, Sections 4, 5 and 6 r/w 2(c) and 3 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Section 5 of the APPDFE Act. The learned Sessions Judge granted bail to the petitioner on some conditions. One of the conditions is that the petitioner shall deposit her passport with the VI Additional Judicial Magistrate of First Class, Guntur. It is also directed that in case, the passport of the petitioner was already surrendered before any other Court, the petitioner shall file an affidavit to that effect before the learned Magistrate. Subsequently, the petitioner filed Crl.M.P.No.1689 of 2014 before the learned Sessions Judge to relax the conditions as to her appearance before the police and the deposit of her passport. The learned Sessions Judge while modifying the condition as to her appearance before the police, observed that the passport of the petitioner should not be returned to her either by the police or by the trial Court till trial is commenced. Hence, the petitioner approached this Court.

3. Heard and perused the material available on record.

4. From the material available on record, it is obvious that the petitioner was arrested on 17.2.2014 in connection with another Crime

No.119 of 2008 registered by CID Police, Nellore and Later, the petitioner was produced on PT warrant in the present crime. In the present crime, the petitioner was released on bail on some conditions. One of the conditions is that the petitioner shall surrender her passport. Now, the petitioner seeks to relax the condition of deposit of her passport on the ground that she wants to visit her native place Malaysia.

5. The learned Public Prosecutor opposed this application on the ground that huge amount is involved in the present crime i.e., to a tune of Rs.110 Crores and if the petitioner is allowed to go to abroad, she may not attend the Court.

6. Learned Senior Counsel in contra submitted that the petitioner was involved in various crimes not only in Andhra Pradesh but also in Tamilnadu and she was released on bail in various crimes and after release on bail, she was allowed by the Courts concerned to go to her native place. He further submitted that on the earlier occasion, the petitioner was arrested in connection with other crimes pending in the State of Andhra Pradesh and no such conditions were imposed by any of the Courts concerned and earlier she obtained order in her favour for visiting her native place and that she complied with the conditions and thereafter, she surrendered passports before the Court concerned.

7. Even though the present crime was registered in the year 2007, the respondents arrested the petitioner in the year 2014, knowing fully well about the pendency of the case against the petitioner not only in the Andhra Pradesh but also in Tamilnadu, Mere apprehension of the petitioner that she may not appear before the Court concerned cannot be a ground to reject the request of the petitioner.

8. Considering the above facts and circumstances of the case, this Court is inclined to pass the following order:

“The condition imposed by the learned Principal Sessions

Judge, Guntur in CrI.M.P.No.842 of 2014 vide order dated 12.5.2014 i.e., the petitioner shall deposit her passport with the VI Additional Judicial Magistrate of First Class, Guntur, is relaxed”

9. Accordingly, the Criminal Petition is disposed of.

JUSTICE RAJA ELANGO

28th August, 2015

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28.8.2015

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