

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL PETITION No.7929 of 2015**

**ORDER:**

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1. This Criminal Petition is filed by the petitioner-accused No.4 seeking to relax the conditions imposed by the V Additional District & Sessions Judge, Nellore, while granting bail to her vide order dated 4.3.2014 in Crl.M.P.No.269 of 2014.

2. The petitioner filed the above Crl.M.P.No.269 of 2014 before the V Additional Sessions Judge, Nellore under Section 439 IPC seeking to grant bail in the crime registered by CID Police, Nellore in Crime No.119 of 2008 for the offence punishable under Sections 417, 420 r/w 34 IPC, Sections 4, 5 and 6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978. The learned Sessions Judge granted bail to the petitioner on some conditions. One of the conditions is that the petitioner shall not leave India without permission of the Court. Subsequently, the petitioner filed Crl.M.P.No.1387 of 2014 and Crl.M.P.No.618 of 2015 seeking to return passport, which was deposited before the II Additional Judicial Magistrate of First Class Court, Nellore, for a period of 20 days. The learned Sessions Judge dismissed the said applications. Against the said orders, the petitioner filed Criminal Petitions No.14458 of 2014, 14459 of 2014 and Crl.P.No.5238 of 2015 and the said petitions are pending adjudication. As the petitioner's mother, who is 81 years old and who is staying in Malaysia, is unwell, the petitioner filed the present petition.

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 the present

crime and the petitioner was released on bail on some conditions. One of the conditions is that the petitioner shall not leave India without permission of the Court. Now, the petitioner seeks to relax the said condition on the ground that she wants to visit her native place Malaysia as her mother is unwell.

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 Courts concerned.

7. The learned Senior Counsel further submitted that the petitioner filed Crl.M.P.No.1387 of 2014 and Crl.M.P.No.618 of 2015 seeking to return passport, which was deposited before the II Additional Judicial Magistrate of First Class Court, Nellore, for a period of 20 days. The learned Sessions Judge dismissed the said applications in view of the condition imposed in Crl.M.P.No.269 of 2014 that the petitioner shall not leave the country without prior permission of the Court. Against the said orders, the petitioner filed Criminal Petitions No.14458 of 2014, 14459 of 2014 and Crl.P.No.5238 of 2015 and the said petitions are pending adjudication. The learned Senior Counsel submitted that the

petitioner has to go to Malaysia as her mother is unwell and therefore, he prayed to relax condition imposed in CrI.M.P.No.269 of 2014 and also to order return of passport in this petition. He further submitted that he will withdraw the earlier petitions i.e., CrI.P Nos.14458, 14459 of 2014 and CrI.P.No.5238 of 2015.

8. Even though the present crime was registered in the year 2008, 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.

9. Considering the above facts and circumstances of the case and in view of the submissions made by the learned Senior Counsel, this Court is inclined to pass the following order:

- 1) The condition imposed by the learned V Additional District & Sessions Judge, Nellore in CrI.M.P.No.269 of 2014 i.e., “the petitioner shall not leave India without permission of the Court”, is hereby relaxed.
- 2) The petitioner is also directed to file an affidavit before the learned II Additional Judicial Magistrate of First Class, Nellore, informing the dates on which she intends to go to abroad and on which she wants to return and surrender her passport.
- 3) The learned II Additional Judicial Magistrate of First Class, Nellore, is directed to return the passport of the petitioner herein on condition of the petitioner filing an affidavit as directed above and on execution of a personal bond for a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) with one surety belonging to Andhra Pradesh for the like sum to the satisfaction of the learned II Additional Judicial Magistrate of First Class, Nellore.

10. Accordingly, the Criminal Petition is disposed of.

**JUSTICE RAJA ELANGO**

28<sup>th</sup> August, 2015  
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**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

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**28.8.2015**

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