

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**

-
CRIMINAL PETITION No.3273 of 2015

Between:
Ahmed Zubair

.....
PETITIONER/A1

AND
The State of Telangana,
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.3273 of 2015

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ORDER:

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This criminal petition is filed under Section 482 Cr.P.C seeking modification of the order, dated 31.03.2015, passed in M.P.No.130/2015 in CrI.MP No.3190/2014 in Cr.No.289/2014 of Kukatpally Police Station, Cyberabad, Hyderabad by the III Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.

2. The petitioner is Accused No.1 in the said crime. The petitioner was granted anticipatory bail under Section 438 Cr.P.C. by the said Court on 02.12.2014 on a condition that the petitioner executes a bond for a sum of Rs.20,000/- with two sureties to the satisfaction of the IX Metropolitan Magistrate, Cyberabad, Kukatpally and he shall surrender his passport in the Court.

3. Thereafter, the petitioner filed M.P.No.130/2015 stating that he is a student working in Canada and sought release of his passport for going to Canada to prosecute his studies.

4. By order dated 31.03.2015, the Court below permitted the petitioner to take his passport on condition of furnishing cash security of Rs.50 lakh, stating that if his passport is released and he is allowed to go to Canada, the chances of the petitioner returning to India to face trial in the matter is minimum.

5. Challenging this order, this criminal petition is filed.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

7. Petitioner is admittedly a student. Imposing a condition that he shall give cash security of Rs.50 lakh for returning of his passport,

in my opinion, is onerous and it virtually results in crippling the petitioner's career. Admittedly, the investigation is over and charge sheet has also been filed. Therefore, the presence of the petitioner herein for investigation is at present not required.

8. In this view of the matter, I am of the opinion that the interests of the both parties can be adequately safeguarded, if the passport of the petitioner is directed to be returned to the petitioner on condition of the petitioner furnishing third party immovable property security of Rs.10 lakh to the satisfaction of the IX Metropolitan Magistrate, Cyberabad, Kukatpally.

9. Therefore, this Criminal Petition is allowed, and the order of the Court below dated 31.03.2015 in M.P.No.130/2015 in Crl.MP No.3190/2014 is set aside, and the passport of the petitioner herein is directed to be released to the petitioner on condition of the petitioner furnishing third party immovable property security to the tune of Rs.10 lakh (Rupees ten lakh only) to the satisfaction of the IX Metropolitan Magistrate, Cyberabad, Kukatpalli.

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

M.S.RAMACHANDRA RAO,J

Date: 27.04.2015

Dsr

Note:

Furnish copy in three days

B/o

Dsr