

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.8140 of 2015

ORDER

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A-2 to relax the condition imposed by the learned Special Judge for trial of offences under Scheduled Castes and Scheduled Tribes (POA) Act – cum – VI Additional Metropolitan Sessions Judge, Secunderabad in Crl.M.P.No.2068 of 2015 in P.R.C.No.05 of 2015 in Crime No.294 of 2014 of Afzalgunj Police Station, Hyderabad dated 10.7.2015 i.e., not to leave the city without prior permission of the Court.

2. The aforesaid crime was registered on the basis of a private complaint under Sections 307, 327, 506 and 452 I.P.C. A-1 and A-2 in the said crime are said to be the brothers. Both of them were arrested and remanded to judicial custody. The bail application insofar as non-petitioner/A-1 is concerned was disposed of on 8.5.2015 granting bail on imposing condition that A-1 shall appear before the committal Court and subsequently, before the Sessions Court for each and every adjournment without fail.

3. However, the bail petition of the petitioner/A-2 came to be disposed of on 10.7.2015 and while granting bail, the learned Judge was pleased to direct that petitioner/A-2 shall not leave the city without prior permission of the Court. Challenging the same, the present Criminal Petition is filed.

4. When Crl.M.P.No.2228 of 2015 was filed to relax the said condition, the same was dismissed holding that there are no grounds to relax the condition imposed.

5. Learned counsel for the petitioner/A-2 submit that the allegation insofar as both the petitioners are concerned are identical and both of them have been granted bail, but the conditions imposed are at variance; that the petitioner/A-2 is a permanent resident of Haryana and imposing the aforementioned condition will put him to loss, as he is a chronic patient and has no permanent abode to stay at Hyderabad and also no other person to look after him. It is further averred that the petitioner/A-2 is also physically challenged and he has to attend several Courts at Haryana where the *de facto* complainant has filed some complaints against him.

6. In that view of the matter and in the interest of justice, the condition imposed insofar as non-petitioner/A-1 is concerned be imposed in respect of petitioner/A-2 as well. Hence, the condition imposed by the Court below in CrI.M.P.No.2068 of 2015 directing the petitioner/A-2 not to leave the city without prior permission of the Court is modified to the effect that the petitioner/A-2 shall appear before the committal Court and subsequently, before the Sessions Court for each and every adjournment without fail, and an undertaking to that effect shall be given by A-2.

7. Accordingly, the Criminal Petition is allowed. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE M.S.K.JAISWAL

Date:21.8.2015
AMD

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