

**HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**CRIMINAL PETITION No.1988 of 2015**

**ORDER:**

Heard both sides.

2) The petitioner/A.1 in this petition filed under Sec.482 Cr.P.C, challenges the order dated 16.10.2014 in Crl.M.P.No.3949 of 2014 in C.C.No.1416 of 2014 passed by the XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur whereunder the trial Court while relaxing the bail order condition imposed a direction to the effect that the petitioner/A.1 shall appear before the trial Court on every date of hearing till the disposal of case and should not leave India.

3) The submission of learned Counsel is that, petitioner has been working in Australia and in connection with his job, he has to go to Australia and further, in order to effectively put-forth his defence in the trial, he has to secure certain documentary evidence which is available at his work place in Australia and therefore, he may be given an opportunity to visit Australia atleast for a period of 45 days. Learned counsel would submit that trial in this case is not yet commenced.

4) Per contra, vehemently opposing the petition learned Senior Counsel Sri D.Prakash Reddy

representing for Smt.Madhavi, learned counsel for respondent No.2/complainant argued that the petitioner/A.1 filed different applications seeking permissions to go to Australia showing different reasons and there is no clarity and purity in his applications and the matter is coming up for trial and at this stage, if he is permitted to go abroad by returning his passport, he may not be available for trial, in which case the *defacto* complainant will be put to hardship.

5) Learned Additional Public Prosecutor also argued in the same lines.

6) The point for determination is:

*“Whether there are merits in this petition to allow?”*

7) **POINT:** Admittedly, petitioner/A.1 and other accused are facing charges under Sec.498-A IPC and Sec.3 and 4 of D.P. Act and this Court is informed that the trial is yet to begin. The impugned order would read that while relaxing the bail conditions, the trial Court directed the petitioner/A.1 to attend the trial Court on every date of hearing till disposal of the case and further directed him not to leave India. In the considered view of this Court, since the trial is not commenced, an opportunity can be given to the petitioner/A.1 to visit Australia for a limited period to look after his job work and also to secure the documents which according to

him serve the purpose of defence in the trial, ofcourse by imposing suitable conditions.

8) In the result, this Criminal Petition is allowed and the conditions imposed in the impugned order are slightly modified and the petitioner/A.1 is permitted to visit Australia for a period of two(2) months between 15.05.2015 and 14.07.2015 on his executing a personal bond for Rs.3,00,000/- (Rupees Three Lakhs only) with one third party property security for likesum to the satisfaction of the trial Court. Upon fulfilling the said condition, the trial Court shall return his passport on proper acknowledgment. After returning India, the petitioner/A.1 shall appear before the trial Court on 15.07.2015 and resubmit his passport and continue to follow the directions given in impugned order in Crl.M.P.No.3949 of 2014 in C.C.No.1416 of 2014.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**U. DURGA PRASAD RAO, J**

Date: 01.05.2015  
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