

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.7147 of 2015

ORDER:

This criminal petition is filed by the petitioner – Accused No.1, seeking to relax the condition of deposit of passport and permit the petitioner to furnish the surety, as directed by the V Additional Sessions Judge, Mahila Court, Hyderabad in order, dated 02.05.2013 in CrI.M.P. No.1543 of 2013.

Heard and perused the material available on record.

While granting bail to the petitioner, the Court below vide order, dated 02.05.2013, directed the petitioner to surrender his passport to the police at the time of furnishing solvency. Admittedly, in the said order, there is no time stipulated for surrender of the petitioner before the Court. Taking advantage of the same, the petitioner has not surrendered, even though the order was passed in the year 2013. Now, the petitioner has preferred this petition seeking relaxation of the condition of deposit of passport on the ground that he is working in abroad and he is the only bread winner in his family and if the passport is surrendered, he would put to irreparable loss.

The offences alleged against the petitioner and others are under Sections 498-A, 354 and 420 read with 34 IPC and Sections 4 & 6 of the Dowry Prohibition Act. Even though this Court is not inclined to grant the relief sought for by the petitioner as the petitioner has not complied with any of the conditions for the past two years, in view of the submission of the learned counsel for the petitioner that the petitioner is ready to face the trial by cooperating with the trial Court, this Court is inclined to dispose of the criminal petition with the following directions:

“i. The condition that the petitioner shall deposit his passport with the police, as imposed in order, dated 02.05.2013, in CrI.M.P. No.1543 of 2013, by the V Additional Metropolitan Sessions Judge, Mahila Court, Hyderabad, is hereby set aside.

ii. The petitioner is directed to surrender before the XVII Additional Chief Metropolitan Magistrate, Hyderabad on or before 31.07.2015 and execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the said Magistrate.

ii. The petitioner is also directed to deposit cash of Rs.1,00,000/- (Rupees one lakh only) before the learned Magistrate,

for his future appearance.

iii. On appearance of the petitioner before the learned Magistrate, the learned Magistrate is directed to commit the case on or before 20th August 2015.

iv. After committal of the case, the petitioner is directed to file an application before the Court concerned for dispensing with his presence during the course of trial. On such application being filed, the learned trial Judge is directed to consider the same in accordance with law. Further, the trial Court is at liberty to impose condition for the appearance of the petitioner on the dates on which the trial Court considers his presence is necessary.

iv. If the petitioner fails to comply with any of the conditions imposed in this order, this order will stand cancelled automatically.”

Accordingly, the Criminal Petition is disposed of.

RAJA ELANGO, J

July 15, 2015
CTL