

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

Criminal Revision Case No.1554 of 2015

Between :-
Mohd.Abdul Shahbaaz

.. Petitioner

And

The State of Telangana
Rep.by Public Prosecutor, High Court
Hyderabad.

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

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

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|---|--------|
| 1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of Judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether His Lordship wish to see
the fair copy of the Judgment? | Yes/No |

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CrI.R.C.No.1554 of 2015

ORDER

This Revision is directed against the orders of learned VI Additional Chief Metropolitan Magistrate, Hyderabad in Crl.M.P.No.2242 of 2015, by and under which the learned Magistrate having dismissed the application of the prosecution to cancel the bail for the petitioner/A-4 directed that the passport of the petitioner/A-4 be deposited before the Court.

The contention of the learned counsel for the petitioner/A-4 that the petitioner/A-4 was granted bail by the learned Magistrate vide orders, dated 16-04-2015, in Crl.M.P.No.1319 of 2015 and at that time only condition imposed against the petitioner/A-4 was that he should appear before the Station House Officer (S.H.O.), Langer House on every Sunday and said condition was being complied with without fail. However, on one of the Sundays i.e. on 14-06-2015, the petitioner/A-4 could not appear before the said S.H.O. due to medical reasons. Proof thereof is produced. Therefore, the prosecution has filed a petition in Crl.M.P.No.2242 of 2015 before the learned Magistrate seeking cancellation of bail granted to the petitioner/A-4 on the ground that he failed to comply the condition imposed by the learned Magistrate. By the Impugned order, the learned Magistrate has given categorical findings that there are absolutely no grounds to cancel the bail.

The ground alleged by the prosecution is that the petitioner/A-4 is making efforts to flee the Country. This was not believed by the learned Magistrate. Having done so, the learned Magistrate has directed the petitioner/A-4 to surrender his passport before the Court. This condition is not permissible and it amounts to additional fetter on the liberty of the petitioner/A-4, which was never contemplated nor imposed while granting bail. Absolutely, there are no grounds for the learned Magistrate to impose the condition of directing the petitioner to deposit the passport.

Heard learned counsel for the petitioner and learned counsel for the respondent and perused the record.

I find myself in agreement with the submissions made by the learned counsel for the petitioner. While it is well within the province of the learned Magistrate if grounds exist to have allowed the request of the prosecution and cancel the bail, but it was not within his province to give a further direction that the passport of the petitioner should be deposited, more particularly, in view of there being a specific finding to the effect that the prosecution failed to prove that there was any endeavour on the part of the petitioner/A-4 to flee away from the Country. In that view of the matter, the condition imposed by the learned Magistrate directing deposit of passport of the petitioner is liable to be set aside.

Accordingly, the Criminal Revision is allowed by setting aside the order dated 28-07-2015 passed by the learned VI Additional Chief Metropolitan Magistrate, Hyderabad in CrI.M.P.No.2242 of 2015. Miscellaneous petitions, if any, pending in this Revision shall stand closed.

M.S.K.JAISWAL, J

06-08-2015

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