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ÿÿÿÿTHE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO Criminal Petition No.1300 of 2015 ORDER: In this petition filed under Section 482 Cr.P.C., petitioner/A.1 seeks to modify the conditions imposed by learned XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad in his order dated 06.01.2015 in Crl.M.P.No.5860 of 2014 in C.C.No.290 of 2013. 2) In the impugned order, the learned Magistrate while ordering return of the passport has given interim custody for a period of six(6) months to petitioner/A.1 to enable him to go to abroad on the direction that he shall execute a personal bond for Rs.3,00,000/- with two sureties for like sum each to the satisfaction of the Court and with a further condition that he shall redeposit the passport before the trial Court after stipulated time of six(6) months and also directed him to furnish his e-mail ID, permanent and temporary address, cell number and I.D proof along with memo and to give an undertaking to appear before the Court as and when required even before expiry of stipulated period in case of exigency, failing which the surety amount would be forfeited and given to the victim/defacto complainant towards compensation without any notice. 3) Now the petitioner/A.1's submission is that granting only six(6) months time to visit abroad is arbitrary and amounting to violation of personal liberty under Article 21 of the Constitution of India and as at present the old cases of 2007 to 2010 are now under trial and present C.C is of the year 2013, there is no possibility of its being taken up for trial and further it is very difficult for the petitioner to secure two sureties for Rs.3,00,000/- each. Thus he seeks to modify the aforesaid condition. 4) The respondent/complainant filed counter and vehemently opposed the petition on the submission that in FCOP No.1053 of 2012 pending on the file of Judge, Family Court, Hyderabad, she filed I.A.No.322 of 2012 seeking interim maintenance and another I.A.No.321 of 2012 for permanent alimony and the petitioner herein wantonly avoided proceedings and as such he was set exparte and on 02.04.2014 a final order was passed granting maintenance @ Rs.20,000/- p.m and Rs.5,000/- towards legal expenses besides granting permanent alimony of Rs.30,00,000/- and he did not pay the amount and so she filed E.P.No.11 of 2014 for execution and same is pending and the petitioner is deliberately avoiding receiving the summons and if he now leaves the country, it will be difficult for her to secure his presence and get maintenance. 5) Heard both sides. 6) As can be seen from the impugned order, the trial Court having taken into consideration the objections put-forth by the respondent/complainant, granted permission to the petitioner/A.1 to visit abroad for a period of six(6) months on certain conditions. Sofaras respondent/complainant is concerned, it appears she has not challenged the said order. Therefore, in this petition which is filed for modification of the conditions in the impugned order, the same objections which were raised by the respondent/complainant before the trial Court cannot be taken into consideration to nullify the order of the trial Court in toto. 7) Therefore, in this petition the point for consideration will be whether there are valid grounds for modifying the conditions imposed by the trial Court or not? Viewing in that angle, in the considered view of this Court, except the condition of directing petitioner/A.1 to produce two sureties for a sum of Rs.3,00,000/-(Rupees Three Lakhs only) each, other conditions are all justified. Therefore, the said condition is modified to the effect that the petitioner/A.1 shall execute a personal bond of Rs.3,00,000/- (Rupees Three Lakhs only) with one surety for like sum to the satisfaction of the trial Court. Rest of the conditions imposed by the trial Court shall hold good. 8) In the result, this Criminal Petition is ordered accordingly. As a sequel, miscellaneous applications pending, if any, shall stand closed.
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