

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13310 of 2016

ORDER:

The petitioner who is Accused No.1 in Crime No. 176 of 2016 on the file of Station House Officer, Police Station, Raidurgam, Cyberabad, has been granted anticipatory bail by this Court through order dated 16.06.2016 in Criminal Petition No. 8001 of 2016 with a condition not to leave the country without informing the Court, where FIR is pending. Subsequently in Criminal Petition No. 8262 of 2016 by order dated 16.06.2016 this Court granted stay of all further proceedings in Crime No. 176 of 2016 of Raidurgam Police Station, Cyberabad.

The petitioner/A.1 is a Doctor by profession and he is stated to have been invited by the Ministry of Health, Mozambique to conduct clinics and lectures at the Central Hospital, Maputo, from 12.09.2016 to 16.09.2016. In view of the same and in terms of the condition imposed by this Court in the order dated 16.6.2016 in Criminal petition No. 8001 of 2016, the petitioner filed CrI.M.P.No. 1316 of 2016 before the Court of learned XXIII M.M., Rajendranga, Cyberabad, seeking permission to visit Maputo, Mozambique from 10.09.2016 to 18.09.2016. However, the trial Court through impugned order dated 02.09.2016 rejected the permission.

Heard learned Counsel on either side, Perused the material on record.

From a perusal of the impugned order, it is clear that the trial Court erred in interpreting the order of this Court dated 16.6.2016 in Criminal Petition No. 8001 of 2016 whereby the petitioner was granted anticipatory bail with a condition as stated supra. What all required in the said order is that the movements of the petitioner should be in the knowledge of Court where FIR is pending. As the petitioner intends to leave the Country on the invitation from the Ministry of Health, Mozambique, he is required to inform the Court where the FIR is pending in terms of the order of this Court dated 16.6.2016 and accordingly he sought permission from the Court where FIR is pending. However, the trial Court while wrongly interpreting the order of this Court, rejected the same.

In that view of the matter, the impugned order of the Court below is set aside and the petitioner is permitted to leave the country for Maputo, Mozambique from 10.09.2016 to 18.09.2016.

The Criminal Petition is accordingly allowed.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

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**JUSTICE M.S.K. JAISWAL**

DATED 9<sup>th</sup> September, 2016.  
Msnr<sub>x</sub>