

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3912 OF 2016

ORDER

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit, the Petitioner herein prays that this Hon’ble Court may be pleased to issue Writ of Mandamus, declaring the action of the respondents 3 and 4 in harassing the Petitioner by demanding orally to hand over his Pass Port in absence of any conditions made in order dated 16-12-2015 passed in CrI.M.P.No.1712 of 2015 on the file of the court of VI Additional District & Sessions Judge, Nellore and without following due process of law is arbitrary, unjust and illegal and violative of Articles 14 and 19 of Constitution of India and consequently direct the respondents 3 and 4 not to insist orally the Petitioner to hand over his Pass Port whenever he is appearing before them and to pass such other orders as this Hon’ble Court deems fit and proper in the circumstances of the case.’

Sri K. Muralidhar Reddy, learned counsel for the petitioner, would assert that the conditional anticipatory bail order dated 16.12.2015 does not refer to the surrendering of the passport and therefore it is not open to the police authorities to insist upon the petitioner handing over his passport.

Written instructions were furnished by the Inspector of Police, Nellore II Town Police Station, to the office of the learned Government Pleader for Home, wherein it is stated that as there is a likelihood of the petitioner leaving the country in relation with his work, the case may have to be kept pending. The Inspector therefore stated that a memo had already been filed before the criminal court in relation to deposit of his passport by the petitioner pending disposal of the case.

However, admittedly, as no such condition was imposed by the learned VI Additional District and Sessions Judge, Nellore, while granting anticipatory bail to the effect that the petitioner should surrender his passport, it is not open to the police authorities to insist upon such

surrender without first seeking modification of the bail order.

The writ petition is disposed of with the above observation.
Pending miscellaneous petitions, if any, shall stand closed in the light of
this final order. No order as to costs.

SANJAY KUMAR, J

18th FEBRUARY, 2016

PGS