

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15790 of 2016

ORDER :

This criminal petition is filed by the petitioner/A.1 under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') questioning the conditions imposed by the XV-Additional Chief Metropolitan Magistrate-cum-Special Court for trial Video Piracy Cases, Hyderabad, in CrI.M.P.No.1038 of 2016 in C.C.No.47 of 2016 on 20.10.2016, while passing an order under Section 451 Cr.P.C. for return of passport enabling the petitioner to go to Riyadh, Saudi Arabia, in connection with his employment

2. The only ground urged before this Court in the criminal petition as well as in the arguments is that the conditions imposed by the trial Court are onerous and it amounts to denial the relief and placed reliance of the Hon'ble Apex Court judgments in **Geetha and another v. State of T.N.**¹, **Keshab Narayan Banerjee and another v. The State of Bihar**² and also the judgment of this Court in Criminal Petition No.12976 of 2013 (Pradeep Jella v. State of A.P. and others) and Criminal Revision Case No.2274 of 2013 dated 20.11.2013.

3. From the above referred judgments, the Hon'ble Supreme Court while deciding the nature of conditions imposed by the trial Court while granting bail, concluded that imposing such onerous conditions virtually amounts to denial of bail. In Pradeep Jella's case, this Court

¹ (2005) 12 SCC 203

² AIR 1985 SC 1666

considered the conditions imposed by the trial Court while releasing the passport and held that insisting to execute bond for Rs.6,00,000/- is amounts to onerous condition and reduced the amount to Rs.2,00,000/- with two sureties while directing the petitioner to furnish his address in United Kingdom before the trial Court with telephone numbers and other details. However, in this case the trial Court imposed a condition to execute a bond for Rs.5,00,000/- with one surety in a like sum to the satisfaction of the Court and contended that it is a onerous condition. Hence, as per judgment of this Court in Pradeep Jella's case, furnishing of self bond for a sum of Rs.5,00,000/- is reduced to Rs.2,00,000/- with one surety for a like sum to the satisfaction of the trial Court, while maintaining the other conditions imposed by the trial Court.

4. The learned counsel for the petitioner during hearing contended that imposing a condition that the petitioner/A.1 shall provide his address and residential address at Riyadh, Saudi Arabia and the same will be sent to the Immigration Authorities for verification and after receipt of verification report only, the petitioner/A.1 is entitled to receive his passport, is also a onerous condition. If address furnished by the petitioner/A.1 is accepted without verification, it is difficult to secure his presence and in case it is a wrong or false or incorrect address, there is every possibility to avoid facing trial and to avoid such contingency, the trial Court imposed such condition which is not

onerous, it is only to secure the presence of the petitioner to face the trial.

5. In view of my aforesaid discussion, the order under challenge is modified to the extent indicated above.

6. Accordingly, the criminal petition is disposed of.

7. Miscellaneous petitions pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

8th November 2016

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