

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2733 of 2017

ORDER:

A portion of one of the conditions i.e., the 1st condition imposed in the order, dated 01.11.2016, in CrI.M.P.No.1096 of 2016 in C.C.No.415 of 2015 passed by the XV Additional Chief Metropolitan Magistrate-cum-Special Court for Trial Video Piracy Cases, Hyderabad, is questioned in the present petition filed under Section 482 read with 451 of the Code of Criminal Procedure, 1973.

In the aforesaid order, the learned Magistrate, while acceding to the request of the petitioner/accused No.1 for return of passport towards interim custody for a period of three months to enable him to go for pilgrimage abroad, imposed certain conditions which read thus:

“(1) The petitioner/accused No.1 shall furnish a self bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with one surety in a like sum and in case the petitioner fails to appear before this Court after three months, the bond executed by him shall be forfeited and the said surety amount of Rs.2,00,000/- shall be given to the de-facto complainant.

(2) The petitioner/accused No.1 shall furnish his address and his telephone numbers and the names of the persons to be contacted to collect his address, whereabouts in abroad during his pilgrimage

(3) The petitioner/accused No.1 shall attend this Court after three months and resubmit his passport before this Court.

(4) The petitioner/accused No.1 is permitted to go abroad for a period of three months from the date of receipt of passport and

(5) The petitioner shall not dispute his identity during all the proceedings before the Court.”

Sri D.Purna Chandra Reddy, learned counsel for the petitioner, would submit that the condition with regard to deposit of Rs.2,00,000/- towards security by the surety is arduous and causes much hardship to the petitioner and, therefore, seeks to relax the same by reducing it to a reasonable amount.

Though, the request of the learned counsel for petitioner appears to be impressive, when looked at the amount of Rs.2,00,000/- directed to be deposited or furnished towards security by the surety, certainly, it cannot be viewed as on higher side, when viewed in the context of petitioner going for pilgrimage abroad for a period of three months. Therefore, the request of the petitioner cannot be acceded to.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous applications, if any, pending in the present petition stand closed.

JUSTICE A.SHANKAR NARAYANA

06.04.2017

v v