

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1854 of 2017

ORDER:

This criminal revision case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973 (hereinafter, 'the Code'), is filed by the petitioner-A1 assailing the orders, dated 30.06.2017, in CrI.MP.No.580 of 2017 in CrI.MP.No.508 of 2017 in CC.No.27 of 2017 on the file of the Court of the learned XV Additional Chief Metropolitan Magistrate-cum-Special Court for trial of Video Piracy Cases, Hyderabad.

I have heard the submissions of *Sri Khaja Manzoor Ali*, learned counsel for the petitioner-A1, and of the learned Public Prosecutor (TG) representing the respondent-State. I have perused the material record.

The case of the petitioner-A1 and the submissions made on his behalf, which are necessary to be stated as a prelude to this order, in brief, are as follows: - 'While enlarging the petitioner-A1 on bail, *vide* orders dated 12.06.2017, in CrI.MP.No.508 of 2017, a condition was also imposed directing him to deposit his passport before the Court until further orders. Consequently, the petitioner-A1 deposited his passport. Thereafter, the afore-stated Miscellaneous Petition is filed requesting to relax the condition insofar as the deposit of the passport and grant interim custody of the same to enable him to travel abroad as he is employed as an Administrator in Thales Security Solutions & Services, Saudi Arabia. The said petition was resisted by the prosecution, *inter alia*, stating that the case is at the stage of examination of the accused and that if at this stage the passport is released, the petitioner-A1 may flee from the Country and it would be difficult to secure his presence. The trial Court, by the order impugned in this revision, negated the request of the petitioner and dismissed his petition, *inter alia*, observing that there are

no circumstances to relax the condition in the bail order insofar as the deposit of the passport of the petitioner-A1. Aggrieved thereof, the petitioner-A1 is before this Court.'

Learned counsel for the petitioner-A1 would submit as follows: - 'The petitioner voluntarily came to India for the purpose of appearing in the case and on his arrival he was arrested at the Airport. Thereafter he was granted conditional bail. In view of his employment abroad, his presence is highly necessary in his office at Saudi Arabia. Therefore, it is, in the interests of justice, to release his passport/grant interim custody of his passport by relaxing the condition in the bail order. The petitioner is prepared to co-operate for the disposal of the Calendar Case and abide by any conditions which this Court may impose. The petitioner is trying to amicably settle the matter and talks for amicable settlement are in progress. The petitioner also undertakes to return to India after only a stay of four (04) weeks in Saudi Arabia, in case his passport is released and he is permitted to go to his place of work in Saudi Arabia. The Visa of the petitioner-A1 would be expiring by the end of September, 2017.'

Learned Public Prosecutor supported the orders of the trial Court.

Having regard to the facts and submissions, this Court is of the considered view that it is a fit case to relax the condition as sought for by the petitioner-A1 subject to certain terms.

Accordingly, the Criminal Revision Case is allowed and the impugned order is set aside and as a sequel, Crl.MP.No.580 of 2017 is allowed and the condition in the bail order, dated 12.06.2017, insofar as the direction to deposit the passport is relaxed and the learned XV Additional Chief Metropolitan Magistrate, Hyderabad, is directed to return the original passport to the petitioner-A1 in accordance with the procedure established by law,

however, on the petitioner-A1 executing a security bond for Rs.1,00,000/- [Rupees One Lakh only] with two sureties in a like sum each to the satisfaction of the learned XV Additional Chief Metropolitan Magistrate, Hyderabad, and on the petitioner filing a sworn affidavit undertaking to return to India on or before 30.08.2017 and to appear in person before the trial Court in the afore-said Case and on appointing a special vakalt holder to appear on his behalf and represent him in the case in his absence from the Country and till his return to India as undertaken. He shall not seek extension or renewal of the Visa without the permission of the trial Court. The undertaking given by the petitioner-A1 before this Court that he will return to India on or before 30.08.2017 is recorded. On failure of the petitioner-A1 to abide by the undertaking given to the trial Court, the trial Court shall proceed to forfeit his bond and those of the sureties and proceed further in the matter as per the procedure established by law.

Miscellaneous petitions pending, if any, shall stand closed.

04.07.2017

Note:

(1) A copy of this order be communicated by the Registry of the Court to the Consulate General Office of Saudi Arabia in India in view of the direction in the order that the petitioner shall not seek extension or renewal of the Visa without the orders from the Court of the learned XV Additional Chief Metropolitan Magistrate, Hyderabad.

(2) Issue CC by 05.07.2017

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VjI

M. SEETHARAMA MURTI, J