

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1108 of 2017

ORDER:

This criminal petition is filed assailing the order, dated 02.01.2017, of the learned I Additional Metropolitan Sessions Judge, Hyderabad, passed in CrI.M.P.No.2852 of 2016 in C.C.No.6 of 2002 by virtue of which the lower court dismissed the petition, which was filed under Section 439(1)(b) Cr.P.C. seeking for return of the passport, which was directed to be seized at the time of granting bail to the petitioner.

2. Heard learned counsel for the petitioner and learned Public Prosecutor and with their consent, the criminal petition is disposed of at the admission stage.

3. The order of the lower court shows that considering the plea of the Public Prosecutor therein that the petitioner is involved in committing various crimes, it dismissed the petition.

4. The learned counsel for the petitioner brings to the notice of this Court that on three earlier occasions, similar pleas were made before the court below and the same were accepted and the petitioner was permitted to leave the country by taking the passport.

5. The above would show the genuineness of the plea of the petitioner and that he did not try to jump the bail by mis-

utilising the passport. Hence, I do not see any reason to disallow the petitioner from leaving the country. Hence, the impugned order is set aside and the petitioner is permitted to leave India for a period of three months i.e., from 15th January, 2018 to 15th March, 2018 and the Court below is directed to return the passport of the petitioner. The petitioner shall surrender the Passport before the court below after he returns from the pilgrimage. The conditions as were imposed in CrI.M.P.No.419 of 2012 in CrI.M.P.No.2008 of 2003 in C.C.No.6 of 2002 shall be the conditions to be complied with in this case also before taking return of the passport.

With the above observations, the Criminal Petition is allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

October 12, 2017
LMV

T. RAJANI, J

