

**SMT JUSTICE T.RAJANI**

**CRIMINAL PETITION No.769 OF 2018**

**ORDER:**

This petition is filed seeking for cancellation of the bail granted to the 2<sup>nd</sup> respondent, vide order dated 29.12.2017 in CrI.M.P.No.6949 of 2017 in C.C.No.440 of 2017 on the file of II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur.

2. Heard the counsel for the petitioner and the Public Prosecutor, appearing for the respondent.

3. The counsel for the petitioner, at the hearing, restricts his prayer only for a direction to be given to the 2<sup>nd</sup> respondent to surrender his passport before the court. But the background facts are that in a D.V.C. case filed by the petitioner, visitation rights were granted to her with regard to the child of herself and the 2<sup>nd</sup> respondent. In the bail order made in favour of the 2<sup>nd</sup> respondent, in this case, a condition was imposed while granting bail to the 2<sup>nd</sup> respondent, that he will be present before the police station on specific dates. The counsel for the petitioner does not state that the said condition was not being complied with by the 2<sup>nd</sup> respondent. But, now, her apprehension is that the 2<sup>nd</sup> respondent is now filing a petition, seeking for permission to appear through his GPA and hence he may not be available and may not bring the child to India. But the visitation rights given to her does not specify, that child

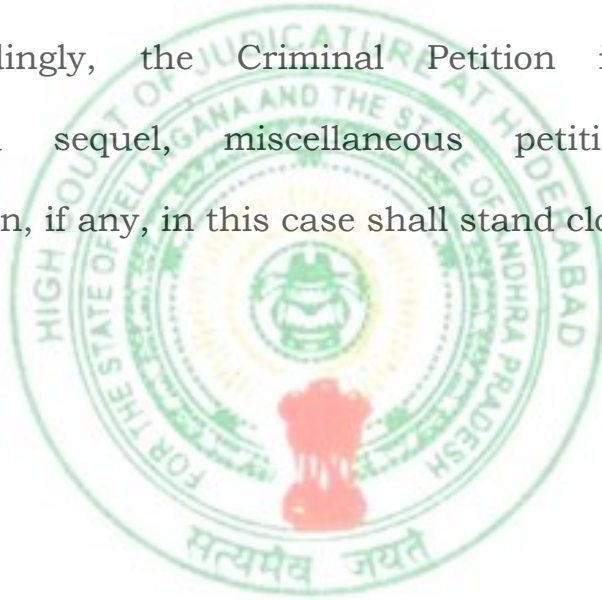
should be brought to India. Hence, the said effort on the part of the respondent does cause any prejudice to the petitioner, since the rights that she had for visiting the child are still in subsistence. Hence, the filing of such petition by the 2<sup>nd</sup> respondent cannot be taken as a grievance by the 1<sup>st</sup> petitioner.

4. Hence, in the above circumstances, this Court opines that the order as sought for, for surrendering the passport of the petitioner can be made by this Court.

5. Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

**05.02.2018**  
**SS**



**T.RAJANI, J**