

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2461 OF 2018

ORDER:

This petition is filed by the petitioner/A.2 under Section 482 Cr.P.C. seeking to quash the order in CrI.M.P. No.6172 of 2017 passed by the learned XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad in crime No.638 of 2017 of WPS, CCS, Hyderabad, which was disposed of by common order dated 10.1.2018 along with CrI.M.P. No.6171 of 2017, whereby the petition filed by the petitioner/A.2 to return her passport bearing No. K3620449 and permit her to go abroad for six months and direct respondent-police to withdraw Look Out Circular (LOC) against her, was dismissed.

2. Heard the learned counsel for the petitioner, the learned Assistant Public Prosecutor and perused the record.

3. Passport bearing No.K3620449 of the petitioner/A.2 was seized by police in the subject crime and the same was produced before the learned XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The petitioner wanted to go to USA in the last week of March, 2018 to meet her children and come back in the first week of June, 2018. Merely because a case is pending against her for the offences punishable under Sections 498A, 420, 406 & 506 IPC and 4 and 6 of the Dowry Prohibition Act, 1961, the right of the petitioner to visit her children cannot be denied. Further, learned counsel for the petitioner assured this Court that after completion of the above duration, the petitioner will come back and face trial in the subject case. In the course of submissions, it is also brought to the notice of this court that an LOC was issued against the petitioner in respect of the said case.

4. In view of the submissions made by both the sides, the learned XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad is directed to return the passport bearing No.K3620449 to the petitioner/A.2 on her executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only), and also furnishing a Bank Guarantee for the said sum, to the satisfaction of the learned Magistrate. The petitioner/A.2 is permitted to visit USA in the last week of March, 2018 to see her children and come back in the first week of June, 2018. After completion of her visit, she shall redeposit the passport with the learned Magistrate. In the event of petitioner not coming back and not surrendering the passport as stipulated above, the Bank Guarantee furnished by her shall stand forfeited in favour of the State. Further, the Station House Officer concerned is directed to suspend LOC against the petitioner/A.2 during the period of her visit to USA as indicated above.

5. With the above directions, the Criminal Petition is ordered.

Miscellaneous Petitions pending, if any, in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

14.03.2018
DRK

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CRIMINAL PETITION NO.2461 OF 2018

DRK

15.03.2018