

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.4603 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to modify the condition imposed by the XIII Additional Sessions Judge, Narsaraopet, Guntur District in Crl.M.P.No.357 of 2018 in Crime No.5 of 2018 of Rompicherla Police Station, Guntur District.

The Sessions Judge while granting pre-arrest bail directed the petitioner to surrender before II Additional Judicial Magistrate of First Class, Narasaraopet and on such surrender, the petitioner shall deposit his Indian Pass-port before the Court below at the time of production of sureties.

The petitioner/A2 allegedly committed the offences punishable under Sections 498-A, 324 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The condition imposed by the Sessions Judge to deposit Indian passport with the Court is alone challenged in the petition on the ground that A2, father of A1 aged 72 years, leaving country does not arise and prayed to quash the condition to deposit Indian passport into the Court at the time of furnishing sureties.

As per Section 438(2) Cr.P.C., the Court can impose any condition enumerated therein and one of the condition prescribed under Section 438(2)(iii) Cr.P.C. that the applicant shall not leave India without the previous permission of the Court. In view of the specific provision, the condition imposed by the Court below is nothing but imposing restraint against the movement of the petitioner. It is not the case of the petitioner that he intends to leave India for any purpose and that he is in need of passport as per the allegations made in the petition. Whenever, the petitioner

requires passport to leave country, he may approach the Court below and file appropriate application and that if any application is filed for release of passport, the Court below may release the passport for limited purpose subject to recording satisfaction, however, in the present petition, I find no ground to relax the condition imposed by the Sessions Court.

With the above observation, the criminal petition is disposed of.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

04.06.2018
kvrn

M.SATYANARAYANA MURTHY,J

