

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.8296 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent-State and perused the material on record.

The conditions imposed by the learned Magistrate pursuant to the direction of the Apex court while granting bail, cannot be relaxed by him/ her as once bail granted with any necessary conditions to serve for any limited period, but can be modified and even believing if at all can be cancelled by the self same Court invoking Section 437(5) CrPC.

The petitioner no doubt cannot ask for a blanket order to relax the conditions but for if at all to travel on medical ground of second operation for the so called tumor now claimed as required if not by showing the medical record and the period required for the treatment if at all to permit return of the passport to travel and to return that too on undertaking and explaining the Court as to how from the filing of final report if any in the form of chargesheet he face trial since undisputedly filed as chargesheet and case is pending since 2017 by execution of a bond for value with undertaking and forfeiture clause to forfeit said amount in the event of non-submission of the same u/ sec.53 of IPC etc..

Further, there is a bar also under Section 6 (2) (f) of the Indian Passport Act, 1967 (for short 'the Act') to use Passport without permission of Court as a person who is accused of any crime in India, passport cannot be obtained including travel permit on existing passport to travel beyond the country without prior permission of the Magistrate concerned and there is a circular of the Central Government in GSR 570 E, dated 25.08.1993, as per Section 22 of the Act, issued in this regard by the Ministry of External Affairs in the public interest that by said notification exempted the citizens of India

against whom criminal proceedings are pending in India, without facing any hardship for their requirement, to travel abroad the permission of concerned Magistrate, where the case is pending shall be obtained.

Once these are the requirements to be taken into consideration as also laid down by this Court in CrI.R.C.No.3186 of 2016 dated 08.02.2017 referring to the earlier expressions in CrI.P.No.7756 dated 15.07.2014 in William Scott Pinckney Vs State and Abdul Gaffur Khan Vs State of Telangana<sup>1</sup>, the Criminal Petition is disposed of relegating the petitioner to approach the learned Magistrate to file any such application if required, to decide on own merits with reference to law referred supra. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Date: 24.08.2018  
Vvr

Dr. B. SIVA SANKARA RAO, J



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<sup>1</sup> 2015 (1) ALT (CrI) 91 ( A.P)