

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

:PRESENT:
THE HONOURABLE SRI JUSTICE M LAXMAN
IA No. 1 OF 2023
IN
CRLP NO: 8409 OF 2018

Between:

R. Satya Kumar, S/o. Sri Subba Rao, Occ: Private Service in USA, Temporarily residing at C/o. Shiv Kumar Rao, Flat No. 608, B-Wing Phoenix Loung, Meenakshi Sky Block, Hitex Road - 500 084, permanent resident of 2076, Valley Oak Ct., Pleasanton CA 94588.

Petitioner/Accused No.6
(Petitioner in Crl.P. No. 8409 of 2018
On the file of the High Court)

AND

The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad, through its ACP, CID, Hyderabad.

Respondent/Respondent
(Respondent in -do-)

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the petition, the High Court may be pleased to relax the condition imposed in order dated 16-08-2018 in Crl.P.No.8409 of 2018 directing the petitioner not to leave the country so as to enable him to visit USA for 6 months, pending disposal of CRLP No. 8409 of 2018, on the file of the High Court.

CRL.P. No.8409/2019:

Petition under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to enlarge the Petitioner/A6 on bail in connection with CC.No. 6 of 2016 on the file of the Court of the Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad, pending inquiry and trial.

The petition coming on for hearing, upon perusing the petition, and the orders of the High Court dated 16-8-2018 made in Crl.P.No.8409 of 2018, and dated 24-9-2019 made in IA. No.1 of 2019, 25.02.2020 made in IA No.1 of 2020, 25.05.2020 made in IA No.2 of 2020, 25.08.2020 made in IA No.3 of 2020, 18.11.2021 made in IA No.2 of 2021 and upon hearing the arguments of Sri A.Prabhakar Rao, Advocate for the Petitioner and of the Public Prosecutor, for the Respondent, the Court made the following;

ORDER

This application is filed seeking to relax the condition imposed in the order dated 16.08.2018 in Crl.P.No.8409 of 2018, whereunder a direction was given to the petitioner not to leave the State, pending enquiry/trial, without permission of the trial Court.

It is submitted by the learned counsel for the petitioner that previously, the petitioner was granted similar kind of interim relief on certain conditions and the petitioner has complied with the condition without any default. He has further submitted that the petitioner is a citizen of United States of America and he is running business in the USA. On account of aforesaid condition, the petitioner is not able to attend his business needs in the USA. He undertakes that the petitioner will attend the trial Court as and when his presence is required and that the petitioner will not dispute the identity of the witnesses, whose evidence is recorded in his absence.

Learned Public Prosecutor has fairly admitted that previously, the petitioner was granted similar kind of interim relief and he has complied with the condition.

Considering the previous conduct of the petitioner, this Court is inclined to modify the aforesaid condition imposed in the order dated 16.08.2018 in CrI.P.No.8409 of 2018, on the following terms and conditions.

- (i) The petitioner is permitted to leave the country, however, he shall attend before the trial Court for his examination under Section 313 of Cr.P.C.
- (ii) The petitioner shall not dispute the identity of the witnesses, who were examined before the trial Court in his absence.
- (iii) The petitioner shall file an appropriate application before the trial Court during hearing of the case seeking dispense with his attendance before the trial Court.
- (iv) The petitioner shall furnish his address in India, and also nominate a person to intimate requirement of his presence. The petitioner shall present before the trial Court when his presence is required without any further communication.
- (v) The petitioner shall deposit and execute a fresh bond for a sum of Rs.1,00,000/- before the trial Court. If any amount is already lying to the credit of the petitioner, the same may be adjusted.

Accordingly, the application is disposed of.

SD/- K. SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Special Judge for SPE & ACB Cases-cum-IV Additional Chief Judge, City Civil Court at Hyderabad.
2. The XI Metropolitan Magistrate at Secunderabad.
3. The Asst. Commissioner of Police, CID, Hyderabad.
4. Two CCs to the Public Prosecutor, High Court of Telangana, Hyderabad (OUT)
5. One CC to Sri A.Prabhakar Rao, Advocate (OPUC)
6. One spare copy.

HIGH COURT

MLJ

DATED:09/06/2023

ORDER

**IA NO.1 OF 2023
IN
CRLP.No.8409 of 2018**

DIRECTION

