

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11411 OF 2018

ORDER:

This Criminal Petition, under Section 439(1)(b) of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1, to relax the conditions imposed against him *vide* order, dated 29.12.2017, in CrI.M.P.No.6949 of 2017 in C.C.No.622 of 2018 pending before XXV Metropolitan Magistrate, Cyberabad at Kukatpally (old C.C.No.440 of 2017 on the file of XIX Metropolitan Magistrate, Kukatpally) i.e., not to leave the State of Telangana or the country and to appear before the Court on each and every date of hearing without fail, and permit him to go to U.S.A. for his gainful employment.

2. Heard the learned counsel for the petitioner/accused No.1, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. In the course of submissions, it has come to light that the petitioner/accused No.1 has been employed with Tech Mahindra Network Services International Inc. (TMNSI). He joined the said organisation in the year 2012 and continuing there. The petitioner/accused No.1 complied with the other conditions and now he is on bail. In view of the aforementioned conditions, he could not leave India and join his job in U.S.A. It is also brought to the notice of this Court that by order, dated 03.08.2018, in CrI.P.No.6906 of 2018, this Court directed the trial Court to conclude the trial within two months and dispose of the matter within three months, but the trial has not been completed within

the said period. By that order, the petitioner/accused No.1 was given liberty to move an application before this Court to relax the conditions.

4. Learned counsel for the petitioner/accused No.1 would submit that the petitioner/accused No.1 would appear before the trial Court as and when he is called upon to do so. As per the records, the petitioner/accused No.1 and his other family members are facing trial for the offences punishable under Sections 498-A, 420, 120-B and 365 I.P.C. in the subject crime. Merely because criminal proceeding is pending before the criminal Court in India, the petitioner/accused No.1 shall not be deprived to attend his job in Chicago, U.S.A. Under these circumstances, it cannot be held that the petitioner/accused No.1 would abstain from attending the trial Court as and when he is called upon to do so. Therefore, the aforementioned conditions can be relaxed subject to petitioner/accused No.1 furnishing a bank guarantee for a sum of Rs.3,00,000/- (Rupees three lakhs only) before the court of the XXV Metropolitan Magistrate, Cyberabad at Kukatpally in the subject criminal case. On furnishing the above mentioned guarantee in the said crime before the said Court, the condition mentioned herein i.e., “1) He is further directed not to leave Telangana State or the country, without taking prior permission from the Court and 2) He is further directed to appear before this Court on each and every date of hearing without fail” stand relaxed. However, it is made clear that in the event the petitioner/accused No.1 remains absent continuously for a period of six (6) months before the trial Court, the amount of

Rs.3,00,000/- deposited stands forfeited in favour of the state of Telangana without any further order.

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

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

DR.JUSTICE SHAMEEM AKTHER

Date : 08.11.2018
AMD



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