

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3138 OF 2018

ORDER:

This revision arises out of order, dated 09.11.2018 passed in CrI.M.P.No.3431 of 2018 (Cr.No.292 of 2018 of Langer house P.S. Hyderabad) by the IV Addl. Metropolitan Sessions Judge, Hyderabad. The petitioner filed CrI.M.P.No.3431 of 2018 under Section 438 Cr.P.C. for anticipatory bail and the same was allowed with some conditions.

2. Heard the learned counsel for the petitioner and perused the material on record.

3. Learned counsel for the petitioner submits that the trial Court allowed the petition filed under Section 438 Cr.P.C. with certain conditions. The petitioner was directed to surrender before the SHO, Langer house P.S. Hyderabad, within 15 days from the date of order, and on such surrender, she shall be enlarged on bail on her executing personal bond for a sum of Rs.5,000/- with two sureties for a like sum each to the satisfaction of SHO, Langer House P.S. and that she shall deposit Rs.1,00,000/- within 3 weeks from the date of the order, and Rs.1,15,000/- within 6 weeks from the date of the order.

4. Aggrieved by the conditions imposed by the learned Sessions Judge, this revision has been preferred.

5. Learned counsel for the petitioner further submits that basing on the representation made by the Public Prosecutor that he has no objection for grant of anticipatory bail, the trial Court has imposed conditions as if the

petitioner has reported no objection to deposit the security amount.

6. The challenge in this revision is against the order imposing conditions to deposit the aforesaid amounts while granting anticipatory bail to the petitioner.

7. In this regard, it is to be seen whether the order passed by the trial Court imposing conditions for grant of anticipatory bail is interlocutory in nature. Section 397 (2) Cr.P.C. reads thus:

“The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.”

8. Since the order passed by the Sessions Court is interlocutory in nature, the petitioner has got remedy to approach the same Court for relaxation of condition.

9. With the above observation, the Criminal Revision Case is disposed of giving liberty to the petitioner to move a petition before the IV Addl. Metropolitan Sessions Judge, Hyderabad, for relaxation of condition. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 19-11-2018

Hsd

Note: Issue CC by tomorrow.