

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.337 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the order, dated 11.01.2019, in CrI.M.P.No.58 of 2019 in Crime No.349 of 2018 on the file of XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad.

2. Heard the learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor appearing for the respondent-State. Perused the record.

3. Learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 is working as Marketing Specialist in AL-Qudrah Logistics Services Company Limited, Riyadh, Saudi Arabia; that the petitioner was granted bail by the lower Court and in terms of the said order, the petitioner/A.1 has deposited his passport bearing No.Z 5179424 in the trial Court; that the petitioner/A.1 was issued warning letter by his Company that his immediate presence is required to undertake the job, failing which his services will be terminated and ultimately, prayed to set aside the impugned order.

4. There is no doubt that this petitioner/A.1 is being prosecuted for the offences punishable under Sections 498-A and 406 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, along with other accused in this case, who are his family members. Merely because the above mentioned criminal case is

pending, his right to continue his employment and eke out his livelihood shall not be denied. Under these circumstances, the impugned order, dated 11.01.2019, is liable to be set aside.

5. Accordingly, the Criminal Petition is allowed setting aside the order, dated 11.01.2019, in CrI.M.P.No.58 of 2019 in Crime No.349 of 2018 on the file of XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad, and the trial Court is directed to return the pass port bearing No.Z 5179424 to the petitioner on the following terms and conditions:

- (1) The petitioner/A.1 shall furnish bank guarantee for Rs.2,50,000/- (Rupees two lakhs fifty thousand only) for return of pass port and after return of the pass port, the petitioner/A.1 has to visit India and attend the criminal case once in four months.
- (2) The petitioner/A.1 shall not create directly or indirectly any hurdle in the trial of the case. If the petitioner/A.1 fails to appear before the trial Court as indicated above, the bank guarantee of Rs.2,50,000/- offered to the Court stands forfeited in favour of State of Telangana without reference to this Court.

Miscellaneous Petitions, if any, pending in this criminal petition case shall stand closed.

Dr. SHAMEEM AKTHER, J

MARCH 07, 2019
YVL

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



CRIMINAL PETITION No.337 OF 2019

Date:07.03.2019

YVL