

HONOURABLE JUSTICE G. SRI DEVI

CRL.P.No.2586 of 2019

ORDER:

This Criminal Petition is filed under Section 438 read with Section 482 of Cr.P.C. seeking relaxation of the condition imposed on the petitioner/A5 in CrI.M.P.No.856 of 2019 dated 29.03.2019 on the file of the Additional Metropolitan Sessions Judge for Trial of Communal Offences Case-cum-VII Additional Metropolitan Sessions Judge, Hyderabad.

By the aforesaid order dated 29.03.2019, the learned Additional Metropolitan Sessions Judge, while releasing the petitioner/A5 on anticipatory bail, directed him to surrender before the concerned Court on or before 30.06.2019 and execute a personal bond for Rs.25,000/- with two sureties for a like sum each and also surrender his passport before the trial Court and that he should not leave the Country without intimation to the trial Court.

Heard learned counsel for the petitioner/accused No.5, the learned Additional Public Prosecutor representing the respondent-State and perused the relevant material available on record.

It is submitted by the learned Counsel for the petitioner that the petitioner is a citizen of USA and his entire livelihood is at USA and that if he surrenders his passport before the trial Court, he would suffer huge loss and hardship. He further submitted that the

petitioner is a law abiding citizen, who hailed from a respectable family, and will not evade the process of the Court if the condition imposed against him is relaxed.

Learned Additional Public Prosecutor appearing for the respondent-State would submit that the petitioner after knowing fully well about the issuance of NBW against him, he went to USA and evaded for execution. He further submitted that after coming to know about granting of bail to the other accused, the petitioner filed a quash petition before this Court, which was dismissed on 04.01.2019 vide CrI.P.No.84 of 2019. Thereafter, the petitioner filed an application for anticipatory bail before the Sessions Judge and obtained bail. He further submitted that if the request of the petitioner is considered, he will evade the process of the Court and, therefore, the petition may be dismissed.

In the bail order itself, the learned Additional Metropolitan Sessions Judge observed as under:

"It is the discretion of learned trial Court to satisfy on the availability of the petitioner/accused No.5 to face trial without any hurdle and hence he may approach concerned Court for release of passport".

Without surrendering the passport, the petitioner approached this Court seeking relaxation of deposit of passport. In order to ensure that the investigation is hampered due to non-availability of the petitioner/A5, the learned Additional Metropolitan Sessions

Judge imposed the condition of deposit of passport. In that view of the matter, I do not find any valid ground to relax the condition of deposit of passport.

Accordingly, the Criminal Petition is dismissed. However, it is open for the petitioner to move an application for release of the passport, whenever required, in which event, the trial Court can deal with the same in accordance with law.

21.06.2019
Gsn

JUSTICE G.SRI DEVI

