

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION No.2696 of 2019

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioner seeking permission to visit Johns Hopkins University, Baltimore, MD, USA, on the occasion of convocation of his daughter to be held on 24-05-2019 and for the period till 15-06-2019.

2. Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The petitioner submits that he is accused in C.C.No.14 of 2012 and he has surrendered his passport bearing No.Z4602969 before the Principal Special Judge for SPE & ACB Cases-cum-IV Additional Chief Judge, City Civil Court, Hyderabad. The petitioner has filed Crl.M.P.No.320 of 2019 in C.C.No.14 of 2012 seeking permission to return his original passport and the Court below dismissed the said petition vide orders dated 24-04-2019. Aggrieved by the same, this Criminal Petition is filed.

4. Petitioner contends that the trial schedule has been released by the Court below and the regular trial is to be commenced on 18-06-2019 and the petitioner would further contend that he would return to the country before 15-06-2019 and the petitioner is willing to

furnish surety in the form of bank guarantee to an extent of Rs.15.00 lakhs to establish his *bona fides* that he would come back by 15-06-2019 and would cooperate with the Court below in concluding the criminal case against the petitioner.

5. Learned Special Public Prosecutor appearing for ACB contends that the petitioner is trying to leave the country and would not return back to face the criminal case which is pending against him. However, on instructions, the learned Public Prosecutor contends that if only Rs.15.00 lakhs surety in the form of bank guarantee is provided, the petitioner can be allowed to travel abroad with an undertaking to come back to the country by 15-06-2019.

6. In the light of the above circumstances, this Court is of the considered view that since the petitioner is seeking permission to travel abroad and also to release passport, this Court is inclined to release passport which was handed over to the Court below so as to enable him to visit Johns Hopkins University, Baltimore, MD, USA, to attend his daughter's convocation, scheduled to be held on 24-05-2019, subject to condition that the petitioner furnishes bank guarantee for Rs.15.00 lakhs (Rupees Fifteen Lakhs only) to the Court below in the form of FDR and upon such furnishing bank guarantee in the form of FDR, the Court below shall handover the passport to the petitioner so as to enable him to travel abroad and the petitioner would return back to India before 15-06-2019.

7. Accordingly, the Criminal Petition is allowed. No costs.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 15.05.2019

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