

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5165 of 2019

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order, dated 07.08.2019 in CrI.M.P.No.1200 of 2019 in Cr.No.201 of 2019 on the file of the Judl. Magistrate of I Class, Special Mobile Court-cum-VI Addl. Junior Civil Judge-cum-VI Addl. Metropolitan Magistrate, Cyberabad at L.B.Nagar.

2. Brief facts of the case are that the petitioner is a Neuro Surgeon and he is a fellow research from Canada and for the purpose of research, he came down to Hyderabad. The petitioner and the de facto complainant namely, Kutchibatla Veena known to each other by way of Shadi.com, a matrimonial website. The petitioner introduced himself as Neuro Surgeon and Canadian Government send him for the purpose of research in India and he intended to marry an Indian woman. The complainant asked some time for the marriage. Out of the said acquaintance, the complainant paid an amount of Rs.6,65,000/- on different dates to the petitioner for different purpose and for various reasons. On 17.03.2019, one Sweta called the complainant and stated that the petitioner also took an amount of Rs.1,25,000/- from her and when she asked about money, the petitioner cancelled the engagement. Later the complainant came to know that the petitioner cheated her and took huge amount from her on the guise of marriage. Basing on the complaint

lodged by the complainant, a case in Cr.No.201 of 2019 of Saroornagar P.S. was registered against the petitioner for the offences punishable under Sections 420 and 406 IPC. The police seized the Original Passport of the petitioner bearing No.GJ027655.

3. The petitioner filed CrI.M.P.No.1200 of 2019 under Section 451 Cr.P.C. for grant of interim custody of the above Original Passport. The learned Magistrate, vide impugned order, dismissed the petition. Hence, this revision.

4. Learned counsel for the petitioner submits that the petitioner is the absolute owner of the passport, that he is in need of passport for his education purpose as he has applied for Medical seat to pursue MD at Angola Country, that he got admission to pursue MD, that he will undertake to produce the passport as and when required by the Court and hence, he prays to grant interim custody of the passport.

5. Learned Additional Public Prosecutor submits that stringent condition may be imposed for release of the passport in favour of the petitioner.

6. Since there is no dispute with regard to the ownership of the passport and the petitioner is in need of passport for his education, I am inclined to release the Original Passport bearing No.GJ027655 in favour of the petitioner on the following conditions:

1.The petitioner shall execute personal bond for a sum of Rs.7,50,000/- (Rupees seven lakhs fifty thousands only) with one surety for a like sum to the satisfaction of Judl. Magistrate of I Class, Special Mobile Court-cum-VI Addl. Junior Civil Judge-cum-VI Addl. Metropolitan Magistrate, Cyberabad at L.B.Nagar.

2. The petitioner shall appear before the trial Court at the time of framing of charges and also at the time of his examination under Section 313 Cr.P.C..

3. The petitioner shall give actual address of his stay in the foreign country and also his mobile number.

7. Accordingly, the Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

DATED: 27.08.2019.
Hsd

JUSTICE G.SRI DEVI



