

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION Nos.1456 and 1474 OF 2022

COMMON ORDER:

These Criminal Petitions are filed seeking relaxation of the conditions imposed by the Court below, by common order dated 03.12.2021, in CrI.M.P.Nos.4041 and 4040 of 2021 respectively in Cr.No.611 of 2020 on the file of the Special Judge for trial of Offences under S.Cs. and S.Ts. (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, whereby the Court below has granted bail on the conditions that the petitioners shall appear before the concerned Station House Officer on every Saturday between 11.00 A.M. and 12.00 Noon for six weeks and further they are directed to surrender their passports before the concerned Magistrate and shall not leave India until disposal of the case or until further orders.

2. Learned counsel for the petitioners submits that even as per the complaint the offence has taken place in Kuwait and the complainant has not even come to India and basing on the e-mail sent, the present crime is registered. He submits that both the petitioners/A.1 and A.2 are husband and wife respectively and both of them are working in Kuwait, petitioner No.2 is a teacher and petitioner No.1 is working in a Mall. He further submits that in view of the above said conditions, they are not able to deprive of their

livelihood. It is submitted that as the complainant failed to turn up, the police could not complete the investigation and though this complaint is filed in the year 2020, no substantial progress is done in the investigation. It is further submitted that the conditions imposed by the Court below is bad in the eye of law, which is not warranted. In the circumstances of the case, the said conditions may be relaxed.

3. Learned Assistant Public Prosecutor also does not dispute the fact that the complainant is in Kuwait and she has not come before the police. As the complainant could not turn up, there is no progress in the investigation. He further submits that investigation is still pending. If the petitioners are directed to leave the country, they may not appear before the Court, hence, it would be difficult for the prosecution to conclude the trial. Hence, the said conditions may not be relaxed.

4. This is a crime of 2020. Admittedly, the offence had taken place in Kuwait and the complainant is a resident of Kuwait. It appears that from 2020, there is no substantial progress in the investigation and also both the petitioners are eking out their livelihood by working in Kuwait. When a crime is registered in the year 2020, till 2022 when nothing has taken place, if the passports are retained by the Court and if they are not permitted to leave the country, it would cause severe hardship and injustice to them.

Learned counsel for the petitioners submits that whenever on intimation from the police, the petitioners are ready to cooperate with the trial. Hence, this Court deems it appropriate to relax the said conditions.

5. Accordingly, the conditions imposed by the Court below that petitioners shall appear before the concerned Station House Officer on every Saturday between 11.00 A.M. and 12.00 Noon for six weeks and further they are directed to surrender their passports before the concerned Magistrate and shall not leave India, is hereby relaxed, subject to the condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each before the Court below. The petitioners shall also file an undertaking before the Court below that they will cooperate with the trial.

6. With the above direction, the criminal petitions are allowed.

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 25.02.2022

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