

HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE No.: CRL.P.No.2747 of 2019

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	11.01.2023	<u>Dr.DNR,J</u> <u>I.A.No.2 of 2022</u> This Interlocutory Application is filed by the petitioner/accused under Section 438 of the Criminal Procedure Code, 1973 seeking relaxation of condition Nos.5 and 6 imposed while granting bail to the petitioner in Criminal Petition No.2747 of 2019 vide Orders dated 12.07.2019. Heard Sri Dammalapati Srinivas learned senior counsel representing Sri G.V.L. Murthy, learned counsel for the petitioner as well as T.V.Ramana Rao, learned Additional Public Prosecutor for the State. As seen from the record, the condition Nos.5 and 6 imposed while granting bail to the petitioner in Criminal Petition No.2747 of 2019 vide Orders dated 12.07.2019 runs as follows: <i>“The petitioner/accused shall not leave the country pending enquiry/trial without obtaining prior permission from the Magistrate concerned. The learned Magistrate shall, in the event of such application by the petitioner, consider the same on its own merits.”</i> <i>“The petitioner/accused shall surrender his passport, before the concerned</i>	Transferred into IO folder before corrections.

		<i>Court at the time of execution of bonds and he shall not leave the territory of India without prior permission of the Court”.</i> Subsequently the above referred condition was altered in I.A. No.03 of 2019 in CrI.P.No. 2747 as under: <i>“The petitioner/accused shall appear before the Station House Officer, Cyber Crime Police Station, Cyberabad District, on first Sunday of every month between 10:00 AM and 06:00 PM till completion of the investigation”.</i> <i>“The petitioner/accused shall not leave the Country pending enquiry/trial without obtaining prior permission from the Magistrate concerned. The learned Magistrate shall, in the event of such application by the petitioner, consider the same on its own merits”.</i> Now it is submitted by learned senior counsel for the petitioner that out of three cases, where investigation was pending in one case, police have filed final report closing the FIR and in other two matters charge sheets were filed alleging that the accused have committed offences under Sections 420, 465, 468, 471(A) read with 120(B) of IPC and Section 66(c) & (D) of IT Act. Learned senior counsel has submitted that after imposing the condition petitioner has never violated the conditions and he has also taken	
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	permission to leave the country and went to abroad and came back and followed all the conditions whenever he left the country. Now, it is submitted that since entire investigation has been completed and since there is no instance that he has violated any of the conditions imposed by the court and, prayed the Court to relax the conditions (v) and (vi). Learned Assistant Public Prosecutor submitted that whenever required the petitioner has to go to the trial Court and seek permission to leave the country. On perusal of entire record and on hearing the learned Senior Counsel for petitioner and also learned Additional Public Prosecutor as the petitioner has not violated the conditions and since the investigation is completed, the condition imposed by the Court during the course of investigation becomes ineffective. The petitioner also undertakes to appear before the Court as and when he is required, hence the condition of petitioner taking prior permission before leaving country imposed by the Court can be relaxed. In the result, the petition is allowed the condition No.5 imposed upon petitioner by this Court in CrI.P.No.2747 of 2019 to take prior permission before leaving country is hereby relaxed. The petitioner shall make himself available before the trial Court after framing	
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		charges, examination under Section 313 Cr.P.C. or any other stage, where his presence is required. Further the petitioner/accused shall appear as and when directed by the Court. Considering the circumstances, the condition Nos.5 and 6 imposed while granting bail to the petitioner in Criminal Petition No.2747 of 2019 vide Orders dated 12.07.2019, are hereby relaxed. <u>Dr.DNR,J</u> mnv	
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