

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION Nos.1612 and 1616 of 2024

COMMON ORDER:

These petitions are filed by the petitioner / A7 to return his passport bearing No.P3043129 for a period of one year deposited in the Court through a memorandum dated 02.11.2023 as per the directions in CrI.M.P.No.3110 of 2023 dated 28.06.2023 in CrI.M.P.No.1451 of 2013 in C.C.No.6 of 2012 and to relax condition No.(iii) in CrI.M.P.No.1451 of 2013 by permitting him to travel abroad i.e. Dubai / Sharjah / Fujairah during February, 2024 to April, 2024 in pursuit of his business activities.

2. Heard Sri K. Muralidhar Reddy, learned counsel for the petitioner and the learned Special Public Prosecutor for CBI representing the respondents.

3. Learned counsel for the petitioner submitted that the respondent filed charge-sheet on 23.04.2012 against the petitioner and others. The petitioner was arrayed as accused No.7 in the said charge-sheet. The petitioner was granted bail by the Principal Judge for CBI Cases, Hyderabad on 05.10.2013 and was released from judicial custody on 06.10.2013. He was in judicial custody for more than 20 months. While granting bail, certain conditions were

imposed against the petitioner including not to leave Hyderabad until further orders.

4. The petitioner complied with the said orders and did not move out of Hyderabad. Subsequently, he filed applications seeking to relax condition No.(iii) in the order of bail dated 05.10.2013 to enable him to visit all over India and the trial court had granted permissions periodically permitting the petitioner to travel all over India. CrI.M.P.No.2792 of 2023 was filed for relaxation of condition No.(iii) for a period of four and half months from 13.06.2023 to 31.10.2023 and the same was also ordered permitting the petitioner to visit all over India by order dated 12.06.2023.

5. He further submitted that the petitioner was the Director of Keystone Infratel LLP whose operations include hoardings, interiors, construction of base stations and executing orders relating to various associated clients. The firm, prior to receipt of work order had to personally visit the site of installation to formulate an opinion, which required the petitioner to supervise and monitor the works across India. In the nature of the business operations, the petitioner was required to frequently travel out of Hyderabad. The personal supervision of the petitioner was necessary to obtain Work Orders. The petitioner had to personally visit different State Governmental Authorities all over India. The petitioner had subsequently assumed office as one of the Directors of Green

Fuels Global Trading Private Limited incorporated on 09.01.2020 dealing with the business of bunkering. The company purchases bunkers from Indian Oil Companies like IOC, HPCL and BPCL and sells the same to the ships both Indian and International. The Company started commercial operations from February, 2020 and was operating from ports all over India like Gangavaram (Vizag, Andhra Pradesh), Kakinada Anchorage (Andhra Pradesh), Mundra (Gujarat), Deendayal (Kandla, Gujarat), New Mangalore (Karnataka), Cochin (Kerala), Syam Prasad Mookerjee (Haldia, Kolkata), Mumbai Port Trust (Mumbai), Paradip (Odisha), Dhamra (Odisha), V.O.Chiambaranar (Tuticorin, Tamilnadu), Haldia (West Bengal). In view of the unimpeachable conduct of the petitioner while being on bail, the relaxation of condition No.(iii) in CrI.M.P.No.768 of 2021 in CrI.M.P.No.1451 of 2013 was ordered for a period of four months. Vide CrI.M.P.No.872 of 2018, the petitioner and his family was permitted to travel to Srilanka from 30.05.2018 to 03.06.2018 i.e. for a period of four days. Vide CrI.M.P.No.1320 of 2019, the petitioner was permitted to travel to Dubai for a period of eight days from 15.08.2019 to 22.08.2019. Vide CrI.M.P.No.3110 of 2023, the petitioner was permitted to travel to Australia on his business meetings between 01.07.2023 to 31.10.2023 for exploring business opportunities in shipping, trading and bunker fuels marketing. The petitioner was co-operating with the trial in the case. Earlier, the petitioner filed CrI.P.No.3628 of 2023 seeking permission to travel abroad

i.e. to UAE during the months of August, 2023 to December, 2023. This Court in a petition filed by accused No.10 granted interim stay of all further proceedings in C.C.No.6 of 2012 on 08.08.2023 and subsequently the said order was extended from time to time till 06.03.2024. The trial court under misconception that interim stay of all further proceedings was granted against all the accused persons was not taking up any petitions. As such, the petitioner approached this Court vide CrI.P.No.11094 of 2023 seeking permission to move all over India and this Court permitted the petitioner to travel within India for a period of six months by relaxing condition No.(iii) imposed against the petitioner. Since the time of meeting in seeking permission to travel abroad expired, the petitioner had not pressed CrI.M.P.No.3628 of 2023.

6. He further submitted that the petitioner got VISA invitation letter dated 27.01.2024 from Alpha Energy Sharjah, UAE, Sujairah for business discussions at UAE scheduled to be held between February, 2024 to April, 2024. Alpha Energy based in Dubai was engaged in trading and supply of marine fuels and lubricants in the ports of UAE. The main business was to buy marine fuels like VLSFO, HSFO & MGO products from majors like Uniper, Vittol, etc. The products were supplied to all categories of ships calling UAE ports on credit basis only. The mode of transportation of marine fuels was through road tank trucks and bunker barges. On the basis of previous record of the petitioner, there was no reason or justification to deny him the permission to take steps for

travelling abroad. The trial court returned the petition filed by the petitioner on 06.02.2024 with an endorsement as to “how the said petition was maintainable when there was interim stay order by the High Court till 06.03.2024.” The interim stay order granted by this Court in CrI.P.No.5811 of 2019 filed by A10 would not preclude the petitioner seeking for relaxation of bail conditions and permitting the petitioner to travel abroad and prayed to relax condition No.(iii) in CrI.M.P.No.1451 of 2013 by permitting the petitioner to travel abroad in pursuit of his business activities and to return the passport bearing No.P3043129, which was deposited in the court through a memorandum dated 02.11.2023 as per the directions in CrI.M.P.No.3110 of 2023 dated 28.06.2023.

7. Learned Special Public Prosecutor for CBI on the other hand contended that this Court had dismissed the amendment petition filed vide I.A.No.1 of 2024 in CrI.P.No.11094 of 2023 dated 12.01.2024. The relief sought in the said amendment petition and in the present petition was one and the same. Hence, the petition was liable to be dismissed. The case against the petitioner - accused involves huge financial misappropriation amounting to Rs.96,01,75,000/- (Rupees Ninety Six Crore One Lakh Seventy Five Thousand). The petitioner had impoverished the public exchequer to a tune of hundred crores along with other accused. He was arrested on 24.01.2012 and subsequently released on bail by this Court on 05.10.2013 imposing several conditions. One of the conditions was that he should stay at Hyderabad and shall not leave Hyderabad

without prior permission of the court. However, the said condition was relaxed by this Court on his request for a period of five months vide order dated 12.06.2023 till 31.10.2023 to visit across India vide CrI.M.P.No.2792 of 2023. While considering CrI.M.P.No.4519 of 2023, the trial court observed that the petitioner had suppressed to mention the pendency of CrI.M.P.No.3628 of 2023 seeking the same relief. As the stay granted by this Court had been extended, the trial court observed that CrI.M.P.No.4519 of 2023 also could not be taken up. Aggrieved by the said endorsement of the trial court in CrI.M.P.No.4519 of 2023, the petitioner preferred CrI.P.No.11094 of 2023 claiming that he had not willfully suppressed any fact and the stay granted by this Court in CrI.P.No.5811 of 2019 filed by A10 would not preclude him from seeking extension of relaxation of bail conditions for a further period as requested by him to permit him to travel across India for a period of one year from 01.11.2023 to 31.10.2024. The petitioner failed to furnish his itinerary as directed by this Court in CrI.P.No.11094 of 2023. This Court on 12.01.2024 dismissed the amendment petition filed by the petitioner herein. After the dismissal of the said petition, within 20 days the petitioner came up with the present petition with a prayer to permit him to travel abroad. The manner and procedure adopted by the petitioner seeking relaxation of condition of bail under the pretext of travelling abroad to carry out business activities would make out a strong suspicion that he was making attempts to flout the conditions imposed by

this Court to jump the bail condition. In the event, this Court vacated the orders passed in CrI.P.No.5811 of 2019 and in the event the trial court dismissed the pending discharge petition filed by the petitioner and if it intended to frame charges, the petitioner might not be available for answering the charges and it would delay the process of trial. Hence, any further relaxation of condition No.(iii) would only frustrate the purpose for which the Court had imposed the same. Due to the technological advances, nothing had prevented him to contact his business partners through Skype or various other methods of video conferencing etc., The intention of the petitioner was only an attempt to jump the conditions of bail under the guise of relaxation of conditions of bail and prayed to dismiss both the petitions to relax the condition No.(iii) as well as for return of passport.

8. Perused the record and the conditions imposed by the trial court while granting bail in CrI.M.P.No.1451 of 2013 dated 05.10.2013. The said conditions are as follows:

- (i) N.Sunil Reddy / Petitioner / A7 shall be enlarged on bail on his executing a bond for Rs.2,00,000/- (Rupees Two Lakhs Only) with two sureties each for like sum to the satisfaction of this Court.
- (ii) The petitioner / A7 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the Court or to any other authority.

(iii) Petitioner / A7 shall stay at Hyderabad and shall not leave Hyderabad without prior permission of the Court.

(iv) The petitioner / A7 shall appear before this Court on the dates fixed for hearing of the case without fail. He may remain absent only in unavoidable circumstances and with the permission of the Court.

(v) The respondent / CBI has liberty to make a proper application for cancellation of the bail, if the petitioner / A7 violates any of the conditions imposed by this Court.

9. Thereafter, the petitioner had filed applications several times seeking permission of the Court to relax condition No.(iii) to enable him to visit all over India and also abroad and from time to time, the trial court as well as this Court had granted permissions periodically permitting the petitioner relaxing condition No.(iii). The petitioner filed CrI.M.P.No.1451 of 2013 seeking to relax condition No.(iii) permitting him to move all over India and filed CrI.M.P.No.768 of 2021 for relaxing the condition No.(iii) for a period of four months. The same was allowed. Subsequently, the petitioner filed CrI.M.P.No.872 of 2018 before this Court seeking permission to travel to Srilanka along with his family from 30.05.2018 to 03.06.2018, which was allowed. Similarly, the petitioner had filed CrI.M.P.No.1320 of 2019 seeking permission to travel to Dubai for a period of eight days from 15.08.2019 to 22.08.2019, which was also allowed. The petitioner again filed

Crl.M.P.No.3110 of 2023 seeking permission to travel to Australia on his business meetings between 01.07.2023 to 31.10.2023. The same was also allowed. All these would show his impeachable conduct.

10. It was also stated by the learned counsel for the petitioner that the petitioner had filed discharge petition and arguments were concluded in the said petition and the same was reserved for orders, but, due to the stay granted by this Court while deciding the application of A10 in Crl.PNo.5811 of 2019, the trial court under a mis-conception was not passing any orders in any of the petitions. The petitioner filed Crl.P.No.11094 of 2023 seeking to relax condition No.(iii) imposed in bail order in Crl.M.P.No.1415 of 2013 and to permit him to visit all over India in pursuance of his business activities for a period of one year from 01.11.2023 to 31.10.2024. In the said petition, he filed I.A.No.1 of 2024 seeking to amend the prayer to relax the condition unconditionally. Crl.P.No.11094 of 2023 was allowed by this Court on 12.01.2024 permitting the petitioner to travel within India for a period of six months and dismissed I.A.No.1 of 2024, the amendment petition.

11. As the Court permitted the petitioner to travel all over India as an interim measure for a period of six months dismissed I.A.No.1 of 2024, which was sought to relax condition No.(iii) unconditionally.

12. This Court does not find merit in the contention of the learned Special Public Prosecutor for CBI that the petitioner has to approach the Hon'ble Apex Court due to dismissal of the I.A. and could not sought for relaxation of the condition to visit abroad.

13. Considering the reasons stated by the learned counsel for the petitioner in both the petitions citing the reasons and his business requirements for travelling abroad and considering his previous conduct, this Court does not find any justification to deny him the permission for travelling abroad.

14. In the result, Crl.P.No.1612 of 2024 is allowed relaxing condition No.(iii) for a period of two months i.e. from 05.03.2024 to 04.05.2024 permitting the petitioner to travel abroad i.e. Dubai / Sharjah / Fujairah in pursuance of his business activities and Crl.P.No.1616 of 2024 is allowed directing the trial court to return the passport of the petitioner bearing No.P3043129 during the above period. The petitioner is directed to deposit his passport before the trial court on or before 10.05.2024.

As a sequel, miscellaneous applications pending in these petitions, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 04th March, 2024
Nsk.