IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

CRIMINAL PETITION No.19132 of 2026
(CNR No.HBHC010796852026)

DATED: 23.11.2026

BETWEEN:
Junna Prasad ...Petitioner/Accused

AND

State of Telangana,
Represented by its Public Prosecutor,
High Court for the State of Telangana,
Hyderabad.

.... Respondent

ORDER:

This Criminal Petition is filed by the petitioner-accused seeking modification of condition No.(ii) imposed in the order dated 28.04.2026 passed in Crl.M.P.No.34 of 2026 in Crime No.102 of 2025 of Kodimial Police Station (now C.C.No.1428 of 2026) by the learned II Additional Judicial Magistrate of First Class, Jagtial, directing him to deposit his passport before the Court, and consequently, seeking return of his passport to enable him to travel to Israel.

2. Heard the learned counsel for the petitioner-accused and the learned Assistant Public Prosecutor appearing for the respondent-State. Perused the material available on record.

3. Learned counsel for the petitioner-accused submitted that the petitioner is aggrieved only by condition No.(ii) imposed in the order granting bail, whereby he was directed to deposit his passport before

the learned trial Court. He contended that the petitioner has scrupulously complied with all the conditions imposed while granting bail and that the investigation has since been completed and the charge sheet has also been filed. It is further contended that the direction to deposit the passport virtually amounts to impounding the same, whereas the power to impound or revoke a passport is exclusively vested with the competent authority under Section 10(3) of the Passports Act, 1967 and the learned Magistrate has no jurisdiction to exercise such power. He further submitted that the petitioner has received an invitation to attend the ISRAFOOD 2026 exhibition at Tel Aviv, Israel, scheduled on 22.11.2026, and its further session in February 2027, and that the original passport is essential for obtaining a business visa to attend the said exhibition. In view of the same, he sought modification of the aforesaid condition and for return of the petitioner's passport.

4. On the other hand, the learned Assistant Public Prosecutor without disputing the power to impound or revoke a passport is vested with the competent authority under the provisions of the Passports Act, 1967, submitted that the condition was imposed with a view to securing the presence of the petitioner during the course of trial.

5. Having considered the rival submissions and the material available on record, this Court is of the view that the condition directing

the petitioner-accused to deposit his passport before the learned Magistrate cannot be sustained. The power to impound or revoke a passport is governed by the provisions of the Passports Act, 1967, and the same has to be exercised by the competent authority in accordance with the procedure prescribed thereunder. The learned Magistrate, while exercising jurisdiction in the criminal proceedings, cannot direct the petitioner to deposit his passport in a manner which would virtually amount to impounding the same. The court cannot by imposing a condition of bail, indirectly exercise a power which is specifically regulated by the provisions of the passports Act, 1967.

6. It is also relevant to note that the investigation has been completed and the charge sheet has already been filed. The petitioner also placed before this Court the invitation received by him to attend ISRA FOOD 2026 exhibition at Tel Aviv, Israel, and the subsequent session scheduled to be held in February 2027. In such circumstances, this Court finds merit in the contention raised by the learned counsel for the petitioner. Consequently, the condition imposed in the order dated 28.04.2026, insofar as it directs the petitioner to deposit his passport before the learned Magistrate, is liable to be modified. In this regard, it is relevant to refer to the decision of the Hon'ble Supreme Court in ***Suresh Nanda v. CBI***[1], wherein the scope of the power to

[1] (2008) 3 SCC 674

impound passports under the provisions of the Passports Act, 1967, was considered.

7. Accordingly, the Criminal Petition is allowed. Condition No.(ii) imposed in the order dated 28.04.2026 passed in Crl.M.P.No.34 of 2026 in Crime No.102 of 2025 of Kodimial Police Station (now C.C.No.1428 of 2026) by the learned II Additional Judicial Magistrate of First Class, Jagtial, directing the petitioner-accused to deposit his passport before the Court, is hereby set aside. Consequently, if passport has already been deposited pursuant to the said condition, the learned Magistrate shall return the same to the petitioner forthwith. However, this order shall not preclude the prosecution from initiating appropriate proceedings, in accordance with law, before the competent authority under the provisions of the Passports Act, 1967, if so advised. It is further made clear that the remaining conditions imposed while granting bail shall remain unaltered. There shall be no order as to costs

Miscellaneous applications, if any pending, shall stand closed.

VAKITI RAMAKRISHNA REDDY, J

Date: 23.11.2026
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