
(2012) 12 AP CK 0018
In the Andhra Pradesh High Court
Case No : Criminal P. No. 8828 of 2012

K. Raghu Rama Krishna Raju

APPELLANT

Vs

State of A.P.

RESPONDENT

Date of Decision : 11-12-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 438, 482
Penal Code, 1860 (IPC) — Section 120B, 166, 420, 499, 500
Telegraph Act, 1885 — Section 24, 25, 29

Citation : (2013) 1 ALT(Cri) 187

Hon'ble Judges : K.C. Bhanu, J

Bench : Single Bench

Advocate : K. Srinivas Reddy, for the Appellant; Public Prosecutor on behalf of the sole Respondent, for the Respondent

Final Decision : Allowed

Judgement

K.C. Bhanu, J.—This Criminal Petition, u/s 482 Cr.P.C., is filed to direct C.I.D. to release the passport bearing No. Z1865570 in favour of the petitioner. Petitioner herein is Accused No. 1 in Crime No. 128 of 2012 of Central Crime Station, Hyderabad, for the offences punishable under Sections 120-B, 420, 166, 509, 499 and 500 IPC and Sections 24, 25 and 29 of Indian Telegraph Act and Sections 66 and 72 of Information Technology Act, 2008. During investigation, the crime was transferred to C.B.C.I.D. Thereafter, the petitioner herein filed a petition u/s 438 Cr.P.C. seeking Anticipatory Bail. By order, dated 18-8-2012, in Crl. M.P. No. 2832 of 2012 in Crime No. 128 of 2012, the learned Sessions Judge granted Anticipatory Bail to the petitioner on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two sureties each for a like sum to its satisfaction. In the said order, it is also directed the petitioner to surrender his passport, if any, to the Investigating Officer and shall make himself available for investigation and also shall mark his attendance before the Investigating Police on 5th of every month till report u/s 173 Cr.P.C. is filed. Challenging the said order, the petitioner herein filed Crl.M.P. No. 3377 of 2012 for relaxation of

conditions passed in CrI.M.P. No. 2832 of 2012 in Crime No. 128 of 2012. By order, dated 17-9-2012, the learned Sessions Judge, allowed the petition directing the State House Officer, C.I.D. Police to deposit the petitioner's passport bearing No. Z1865570 before the Court on 18-9-2012 at 10.30 a.m. and the petitioner is at liberty to take his passport for interim custody for his trip from 20-9-2012 to 27-9-2012 and on 28-9-2012 the petitioner shall re-deposit the same in the Court, for his appearance physically on 28-9-2012 at 10.30 a.m. without fail. It is also further ordered that the C.I.D. Police are at liberty to take back the passport of the petitioner for their custody on such deposit.

2. The offences alleged against the petitioner are punishable under Sections 120-B, 420, 166, 509, 499 and 500 IPC and Sections 24, 25 and 29 of Indian Telegraph Act and Sections 66 and 72 of Information Technology Act, 2008. In the affidavit filed in support of the petition, it is stated that the petitioner is an Industrialist; that he is having two decades of business experience; that he has been spearheading Ind-Bharath Power group, which is one amongst the top-notch power project developers in India. The group is having power projects in the States to Tamilnadu, Orissa, Himachal Pradesh, Maharashtra and Andhra Pradesh with annual turnover of Rs. 1,000/- crores. The petitioner intends to travel Singapore and other Foreign Countries in connection with his business activities.

3. Respondent Nos. 1 to 3 filed counter-affidavit stating that the investigating in the above case is still in progress; that the role of detective agency is under investigation and hence, he prays to dismiss the Criminal Petition.

4. It is not a case where it the petitioner was given a passport, he will abscond and reside in Foreign Countries and he may not be available during trial of the case. It is also not denied or disputed that the petitioner is an Industrialist having two decades of business experience and the group which is headed is having power projects in Orissa, Himachal Pradesh, Maharashtra and Andhra Pradesh with annual turnover of Rs. 1,000/- crores. Therefore, the petition can be ordered. Accordingly, the Criminal Petition is allowed directing the C.I.D. to release the passport bearing No. Z1865570 to the petitioner with a condition that he shall produce the passport as and when required by the concerned Court. Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.