

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4653 OF 2026

Between:

Mohammed Wajeed, S/o M.A Sattar, Aged 35 years, Occ: Engineer, R/o. H. No. 8-1-43/1/A/100, Pioneer Enclave, II floor, Satya Colony, Shaikpet, Golkonda Hyderabad.500008

...Petitioner/Accused No. 1

AND

1. The State of Telangana, Rep. by Public Prosecutor High Court of Telangana
2. Mrs. Seema Ahmed, W/o Mohammed Wajeed, Aged: 24 years, Occ: Housewife, R/o. H.No.9-4-136/164, Quli Qutub Shah Nagar, Tolichowki, Hyderabad

(R2 – Impleaded as per Court Order Dt: 31-03-2026, Vide I.A.No. 1/2026, in Crlp. No. 4653/2026)

...RESPONDENT

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to set aside the order dt. 23.03.2026 passed in CrI MP No. 154 of 2026 in CC No. 12033 of 2026 and return the passport of the petitioner bearing No. C9373928.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V Venkata Mayur, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri Syed Hasan, Advocate for the Respondent No. 2.

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.4653 of 2026

Date: 01.04.2026

Between:

Mohammed Wajeed

...Petitioner

AND

The State of Telangana,
Rep. by Public Prosecutor,
High Court of Telangana,
Hyderabad and another.

..Respondents

Order

This Criminal Petition is filed aggrieved by the order passed by the learned XV Additional Chief Judicial Magistrate, Hyderabad, in CrI.M.P.No.154 of 2026 in C.C.No.12033 of 2026, wherein application filed by the petitioner seeking interim custody of his passport bearing No.C9373928 by relaxing the condition imposed by the trial Court in CrI.M.P.No.38 of 2026, dated 05.01.2026 was dismissed.

2. Heard Mr.V.Venkata Mayur, learned counsel for the petitioner, Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor

for respondent No.1 and Mr.Syed Hasan, learned counsel for respondent No.2.

3. Learned counsel for the petitioner submits that the petitioner was arrayed as accused No.1 in C.C.No.12033 of 2025 for the offences punishable under Sections 498-A and 406 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 and 6 of the Dowry Prohibition Act, 1961 (for short 'DP Act'). Even prior to filing of the final report by the Investigating Officer, the petitioner had been residing in Saudi Arabia in connection with his employment, and therefore, he was not aware of the issuance of Non-Bailable Warrant in the said case.

3.1 He further submitted that when the petitioner returned to India on 03.01.2026, the Station House Officer, WPS (CCS) (DD), Hyderabad, arrested him and produced him before the trial Court, and sent to judicial remand. Subsequently, the petitioner filed CrI.M.P.No.38 of 2026 seeking bail under Section 480 of the BNSS, and the learned trial Court, by order dated 16.01.2026, granted bail subject to certain conditions that the petitioner shall file an undertaking affidavit stating that he would appear before the trial Court for his examination under Sections 239 and 313 of the Code of

Criminal Procedure, 1973, as and when directed, and also he shall deposit his passport before the trial Court and shall not leave India without prior permission of the Court.

3.2. Thereafter, the petitioner filed CrI.M.P.No.154 of 2026 seeking interim custody of his passport and relaxation of the conditions imposed in the order dated 16.01.2026 passed in CrI.M.P.No.38 of 2026, on the ground that he is required to return to Saudi Arabia on or before 02.04.2026 in connection with his employment. He also submitted that the visa granted by the Kingdom of Saudi Arabia is valid up to 26.07.2026. In the event of his failure to return within the stipulated time, his visa will not be renewed for a period of three years. He further submitted that unless this Court grants interim custody of the passport and relaxes the conditions imposed by the trial Court, the petitioner will be put to great hardship. He also submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court.

4. *Per contra*, learned counsel for respondent No.2 vehemently contended that the petitioner with an intention to drag on the proceedings, has been filing applications. He further submitted that the petitioner failed to appear before the trial Court despite issuance

of summons and Non-Bailable Warrants. He also submitted that the petitioner has to pay huge maintenance to respondent No.2 as well as to the minor daughter in the pending Domestic Violence proceedings. Hence, the trial Court has rightly dismissed the application and the petitioner is not entitled to any relief in the present criminal petition.

5. This Court has considered the rival submissions made by the respective parties and perused the material available on record. It is not in dispute that the petitioner was arrayed as accused No.1 for the offences punishable under Sections 498-A and 406 of the IPC and Sections 4 and 6 of the DP Act. It is also not in dispute that the petitioner was arrested, remanded to judicial custody, and subsequently enlarged on bail pursuant to the order dated 16.01.2026 in CrI.M.P.No.38 of 2026. Thereafter, the petitioner filed an application seeking interim custody of his passport and relaxation of the conditions imposed by the trial Court in its order dated 16.01.2026 passed in CrI.M.P.No.38 of 2026. The petitioner has filed an Electronic Exit Re-Entry Visa (single) as a document, and a perusal of the same (at page No.36) reveals that he is required to return to Saudi Arabia on or before 02.04.2026. The petitioner has specifically pleaded in the memorandum of the criminal petition that

the visa granted by the Kingdom of Saudi Arabia is valid up to 26.07.2026, and in the event of his failure to return to the Kingdom of Saudi Arabia on or before 02.04.2026, his visa will not be renewed for a period of three years.

6. Taking into consideration the above said submissions and the peculiar facts and circumstances of the case, when this Court is inclined to grant interim custody of the passport and relax the condition imposed by the trial Court in Crl.M.P.No.38 of 2026, dated 16.01.2026, to the extent that the petitioner shall not leave India without prior permission of the trial Court, learned counsel for respondent No.2 requested this Court to direct the petitioner to furnish surety for a sum of Rs.4,00,000/- and the same has not been opposed by the learned counsel for the petitioner. Accordingly, the petitioner is granted interim custody of the passport and the condition imposed by the trial Court that the petitioner shall not leave India without prior permission of the trial Court is relaxed, subject to the following conditions:

- (i) The petitioner shall furnish surety for a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the satisfaction of the learned XV

Additional Chief Judicial Magistrate, Hyderabad, in C.C.No.12033 of 2025.

(ii) The petitioner shall file an undertaking affidavit stating that he shall return to India within a period of one month from today, shall deposit his passport before the trial Court within one week of his return back to India, shall not leave India without the prior permission of the trial Court and also shall furnish his travel particulars, residential particulars of the place where he intends to reside in Saudi Arabia, as well as his office address, mobile number, and email address before the trial Court.

7. With the above conditions, the criminal petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The XV Additional Chief Judicial Magistrate, Hyderabad.
2. The Station House Officer, WPS, DD Police Station, Hyderabad.
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri V Venkata Mayur, Advocate [OPUC]
5. One CC to Mr.Syed Hasan , Advocate [OPUC]
6. Two CD Copies

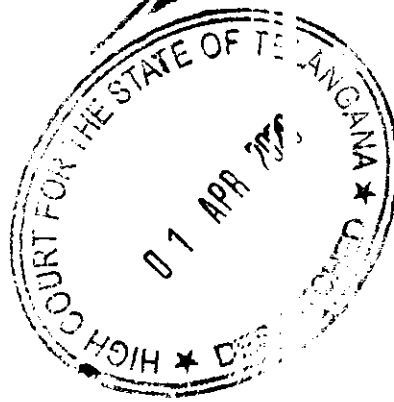
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HIGH COURT

DATED: 01/04/2026

ORDER

CRLP.No.4653 of 2026



DISPOSING OF THE CRIMINAL PETITION

(9) — JKS
1/4/26.