

[ 3418 ]

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

**MONDAY, THE SIXTEENTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL NO: 1192 OF 2024**

Writ Appeal under clause 15 of the Letters Patent filed against the order  
Dated 16/07/2024 in writ petition No 26063 of 2022 on the file of the High Court.

**Between:**

Sharad Kumar, S/o. K. N. Sreekantiah, aged about 63 years, D-302, Aditya  
Hill Top, Road Number 82, Film Nagar, Jubilee Hills, Hyderabad-500096

**...APPELLANT**

**AND**

1. Union of India, Through its Secretary, Government of India Ministry of Home  
Affairs North block, Central Secretariat, New Delhi
2. Bureau of Immigration, Office of Immigration Chhatrapati Shivaji Maharaj  
International Airport Mumbai, Maharashtra 400099
3. Central Bureau of Investigation, Represented by the Standing Counsel for CBI  
BS and FB, Bangalore
4. Directorate of Enforcement, Zonal Office Hyderabad Ministry of Finance,  
Government of India, 5-10-174, 3rd Floor, Shakar Bhavan, Basheerbagh,  
Hyderabad- 500 004
5. State Bank of India, Stressed Assets Management Br-II D. No. 3-4-1013/A,  
1st Floor CAC, TSRTC Bus Station, Kachiguda Hyderabad - 500027

**...RESPONDENTS**

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated  
in the affidavit filed in support of the petition, the High Court may be pleased to  
stay the operation of the condition (i) and (ii) of the Impugned Order dated  
16/07/2024.

**Counsel for the Appellant: SRI DUVVA PAVAN KUMAR**

**Counsel for the Respondent No.1 & 2: SRI GADI PRAVEEN KUMAR,  
Dy. SOLICITOR GEN. OF INDIA**

**Counsel for the Respondent No.3: SRI T.SRUJAN KUMAR REDDY, SC FOR CBI**

**Counsel for the Respondent No.4: SRI A.ABHINANDHAN REDDY, REP. FOR  
SRI V.RAMAKRISHNA REDDY**

**Counsel for the Respondent No.5: SRI K.RAMAKRISHNA, REP. FOR  
SRI MANOHAR REDDY NANDYALA, SC FOR SBI**

**The Court delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL No. 1192 of 2024**

**JUDGMENT:** (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. Duvva Pavan Kumar, learned counsel appears for the appellant.

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India appears for respondent Nos.1 and 2.

Mr. T. Srujan Kumar Reddy, learned Standing Counsel for Central Bureau of Investigation appears for respondent No.3.

Mr. A. Abhinandhan Reddy, learned counsel appears for Mr. V. Ramakrishna Reddy, learned counsel for respondent No.4.

Mr. K. Ramakrishna, learned counsel appears for Mr. Manohar Reddy Nandyala, learned Standing Counsel for State Bank of India, for respondent No.5.

2. With the consent of the learned counsel for the parties, this appeal is heard finally.

3. This intra court appeal is filed against an order dated 16.07.2024 passed by the learned Single Judge by which Writ Petition No.26063 of 2022 preferred by the appellant has been allowed and the Look Out Circular issued against the appellant has been quashed subject to the conditions imposed therein.

4. Facts giving rise to filing of this appeal briefly stated are that the appellant is a Vice President of M/s. Patel Engineering Limited which is a Company incorporated under the provisions of the Companies Act. The said Company is engaged in the business of construction of Hydropower projects, Border Roads, Strategic Tunnels and other infrastructure. The petitioner was also a Director of another Company, namely, M/s. Coastal Projects Limited which has availed financial assistance of Rs.4.7 Crores from 16 nationalised banks including respondent No.5. The aforesaid amount of loan has not been paid.

5. Thereupon, the Central Bureau of Investigation (hereinafter referred to as 'CBI') and the State Bank of India (hereinafter referred to as '~~the~~ bank') have issued Look Out

Circulars against the appellant. It is not in dispute that the appellant is an accused in Crime No.RC0782021E001 dated 06.01.2021 which has been registered by CBI on the basis of a complaint made by the bank. The appellant had approached this Court by filing a petition, namely, Criminal Petition No.2549 of 2021, under Section 438 of the Code of Criminal Procedure, 1973. The aforesaid Criminal Petition was allowed on 27.04.2021 and anticipatory bail was granted to the appellant subject to furnishing personal bond to a sum of Rs.5,00,000/- (Rupees Five Lakh only) with two sureties to the like amount to the satisfaction of the Principal Special Judge for CBI Cases at Hyderabad.

6. Thereafter, the appellant had filed a Writ Petition, namely, W.P. No.26063 of 2022 wherein the appellant had sought quashment of Look Out Circular dated 04.02.2021. The learned Single Judge of this Court by an order dated 16.07.2024 allowed the aforesaid Writ Petition. The operative portion of the aforesaid order reads as under:

“9. Accordingly, this Writ Petition is allowed and the Look Out Circulars (LOCs) issued against the petitioner, is set

aside, subject to following conditions in addition to the conditions imposed in Criminal Petition No.2549/2021:

i) That the petitioner shall furnish security for an amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the satisfaction of the learned Special Judge for CBI Cases, at Nampally, Hyderabad, in Crime No.RC0782021E001 dated 06.01.2021 within a period of eight (8) weeks from the date of receipt of a copy of this order.

ii) The consortium bank/respondent No.5 is at liberty to apply to any Court or Tribunal in appropriate law for an order against the petitioner (guarantors/executives of the accused company) indebted for restraining such person(s) from travelling overseas.

iii) If the petitioner intends to travel abroad, he shall file an application before the trial Court in Crime No.RC0782021E001 dated 06.01.2021 on the file of Principal Special Judge for CBI Cases, at Nampally, Hyderabad, seeking permission to travel abroad and it is for the Special Court to consider the said application, in accordance with law.”

The appellant has filed this appeal being aggrieved by the condition, which requires the appellant to furnish security for a sum of Rs.25,00,000/- to the satisfaction of the Principal Special Judge for CBI Cases, Nampally, Hyderabad, in Crime No.RC0782021E001 dated 06.01.2021, within a period of eight (8) weeks.

7. Learned counsel for the appellant submitted that the imposition of aforesaid condition is unreasonable and arbitrary. Alternatively, it is submitted that the amount indicated in the order of the learned Single Judge be suitably modified.

8. On the other hand, learned counsel for the respondents have supported the order passed by the learned Single Judge.

9. We have considered the submissions made on both sides and have perused the record.

10. It is noteworthy that the appellant is an accused in Crime No.RC0782021E001 dated 06.01.2021. A Look Out Circular has been issued against the appellant by CBI which is in vogue. In order to ensure the appearance of the appellant in the Criminal Case, the learned Single Judge in his discretion has required the appellant to furnish a security to a sum of Rs.25,00,000/- and the said condition can neither be termed as arbitrary nor unreasonable.

11. We do not find any ground to interfere with the discretion exercised by the learned Single Judge while

imposing the condition relating to furnishing the security by the appellant.

12. In the result, the Writ Appeal fails and is hereby dismissed.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

**SD/- T. KRISHNA KUMAR  
DEPUTY REGISTRAR**

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**SECTION OFFICER**

To

1. One CC to SRI DUVVA PAVAN KUMAR, Advocate [OPUC]
2. One CC to SRI V.RAMAKRISHNA REDDY, Advocate [OPUC]
3. One CC to SRI T.SRUJAN KUMAR REDDY, SC FOR CBI [OPUC]
4. One CC to SRI MANOHAR REDDY NANDYALA, SC FOR SBI [OPUC]
5. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
6. Two CD Copies

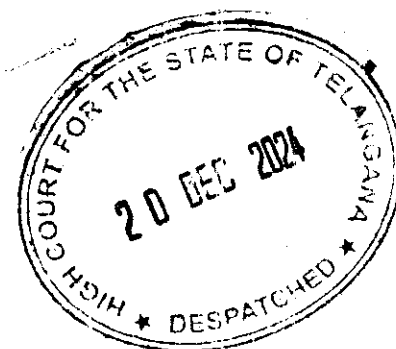
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**HIGH COURT**

**DATED: 16/12/2024**



**JUDGMENT**

**WA.No.1192 of 2024**

**DISMISSING THE WRIT APPEAL,  
WITHOUT COSTS**

⑧  
19/12/24  
Jus