

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7844 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/A-5 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.30 of 2015 of I Town Police Station, Vizainagaram registered at the instance of the 2nd respondent for the offence punishable under Sections 409, 420 and 120-B IPC.

2. Heard the learned counsel for the petitioner and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record including the report of the *de facto* complainant.

3. The petitioner was shown as A-5 in the remand report of A-1 to A-4 though not named in the F.I.R. The facts fall short to admit the application to quash the F.I.R. including from perusal of the dismissal of anticipatory bail application of petitioner/A-5 herein CrI.MP.No.214 of 2015 by the learned

I Additional District Judge, Vizianagaram but for say the only material even from the dismissal of anticipatory bail application in para No.6 as so-called confession of co-accused and it is submission of the counsel for the petitioner that it is a very weak link and but for that there is

nothing to show any privy including from the so-called remand report of A-1 to A-4 and therefore, he is entitled to concession of bail, if not to quash the F.I.R.

4. Having regard to the above, Criminal Petition is disposed of giving liberty to the petitioner to surrender before the learned Magistrate and move regular bail with notice to the A.P.P concerned. In such event, the learned Magistrate shall grant bail on the same day with necessary conditions. The learned Magistrate can dispense with the presence of the petitioner/accused at post bail stage pending investigation before the Court. Further remedies, if any, are left open in the event of filing charge sheet for any of the offences and any cognizance taken by the learned Magistrate.

Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

10-09-2015

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