

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3200 OF 2015

ORDER:

The revision petition filed by the petitioner challenging the order, dated 15.12.2015, passed in CrI.M.P.No.347 of 2015 in Criminal Appeal No.122 of 2011, by the Court of the Special Judge for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-IV Additional District and Sessions Judge, Srikakulam, dismissing the bail application filed by the petitioner for release of the petitioner arrested on issuance of Non Bailable Warrant (NBW).

The brief facts of the case are as follows. The petitioner is convicted by the Court of the Judicial Magistrate of First Class, Special Mobile Court, Srikakulam, by order, dated 19.09.2011, in C.C.No.406 of 2010, for the offence under Section 16(1-A)(i) read with 2(ia)(h) of the Prevention of Food Adulteration Act, 1954, and sentenced to suffer simple imprisonment for a period of two years and to pay a fine of Rs.3,000/-. Aggrieved over the same, the petitioner preferred an appeal being CrI.A.No.122 of 2011 and the same is pending before the lower appellate Court. The petitioner was absent before the lower appellate Court due to his ill-health and hence, the lower appellate Court issued NBWs for the appearance of the petitioner. On the basis of issuance of NBWs, the petitioner is arrested and remanded to judicial custody and thereafter, the petitioner moved an application for bail and the same was also dismissed on the ground that there is every possibility of absconding of the petitioner before the lower appellate Court, if he is granted bail.

This Court heard and perused the records.

Considering the facts and circumstances of the case, the grant of bail to the accused would not cause any prejudice to the lower appellate Court for adjudicating the case. Hence, the revision case is allowed. The petitioner shall be released on bail on executing a personal bond for a sum of Rs.1,000/- (Rupees one thousand only) with one surety for a likesum to

the satisfaction of the Special Judge for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-IV Additional District and Sessions Judge, Srikakulam.

The criminal revision case is accordingly disposed of. Miscellaneous petition, if any, pending in this case, shall stand closed.

JUSTICE RAJA ELANGO

18.12.2015
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