

HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No.4297 of 2015

ORDER :

This Criminal Petition under Section 482 of Cr.P.C., is filed by the petitioner/A.32, seeking to direct the learned II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District, to invoke the beneficial provision of statutory bail as provided under Section 167 (2) to (5) of Cr.P.C., by setting aside the order dated 21.4.2015 in CrI.M.P.No.1841 of 2015 in Crime No.168 of 2014 of Madanapalle Taluk Police Station, Madanapalle, Chittoor District.

2. The petitioner has approached the learned II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District, vide CrI.M.P.No.1841 of 2015 in Crime No.168 of 2014 of Madanapalle Taluk Police Station, Madanapalle, Chittoor District, seeking to enlarge him on statutory bail as provided under Section 167 (2) to (5) of Cr.P.C. The learned Magistrate has dismissed the said application by order dated 21.4.2015. Hence the present criminal petition.

3 . It is represented by the learned counsel for petitioner that though the statutory period of sixty days for completing the investigation is expired by 11.4.2015, the learned Magistrate has failed to invoke the beneficial provision as provided under Section 167 (2) to (5) of Cr.P.C., and dismissed the bail application of the petitioner.

4 . Heard learned counsel for the petitioner as well as the learned Public Prosecutor and perused the material on record.

5. Having regard to the facts and circumstances of the case, the order dated 21.4.2015 in CrI.M.P.No.1841 of 2015 is set aside and the learned II Additional Judicial First Class Magistrate, Madanapalle, Chittoor District, is directed to consider the bail application of the petitioner afresh on merits and pass appropriate orders in accordance with law.

6 . Subject to above direction, this criminal petition is disposed of. Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE M.S.K. JAISWAL

11.06.2015.

Msr

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