

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5296 OF 2015

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ORDER:

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This Criminal Petition is filed by the petitioner/*de facto* complainant under Section 439(2) of Code of Criminal Procedure (Cr.P.C) challenging the order, dated 20.04.2015, passed in Crl.M.P.No.68 of 2015 in Crime No.484 of 2014 by the Hon'ble XV Metropolitan Magistrate, Cyberabad at Medchal, whereby the learned trial Judge dismissed the petition filed by the State to cancel the bail granted to the accused/second respondent herein.

Heard and perused the material available on record.

Learned counsel for the petitioner/*de facto* complainant submits that the accused/respondent No.2 has committed very serious offences and that he is threatening the *de facto* complainant and other witnesses. He further submits that the accused has violated the conditions imposed by the trial Court while granting bail and as such, prays this Court to cancel the bail granted to the respondent No.2.

In the impugned order, the learned trial Judge rightly observed that if it is the allegation that the accused is threatening the witnesses, they should have lodged a complaint against the accused, but the same was not done. Further, it is also observed that if there is no compliance of conditions by the accused, the police should have filed a petition before the Court concerned. Admittedly, the petition is filed on 12.01.2014 and the petitioner was granted bail on 17.12.2014. The accused has filed a Photostat copy of daily entries of his appearance before the Station House Officer and it is found that the accused appeared before the Station House Officer even on 12.01.2014. It is brought to the notice of this Court that the charge sheet is also filed on 18.06.2015.

Considering the facts and circumstances of the case, this Court is of the view that even admitting that the accused has not complied

with the conditions, it cannot be a ground to cancel the bail. Hence, this Court is not inclined to interfere with the order passed by the Court below and as such, the criminal petition is liable to be dismissed.

The Criminal Petition is accordingly dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

26.06.2015

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