

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No. 3626 OF 2015

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ORDER:

The petitioner herein, who is accused in Crime No.425 of 2014 of Medipally Police Station, Cyberabad, filed the instant Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') seeking extension of seven (07) days time for surrendering himself before III Metropolitan Magistrate, L.B. Nagar, Ranga Reddy District.

2 . As seen from the material on record, the petitioner alleged to have trespassed into the house of *de facto* complainant by breaking open the lock of the house on 10-07-2014 in the absence of *de facto* complainant, who had been to Srikakulam on his duty by duly locking his house, and alleged to have committed theft of LED Sony 55" Television, and on the report lodged by the *de facto* complainant, offences punishable under Sections 457 and 380 of the Indian Penal Code, 1860 (for short, 'IPC') were registered against the petitioner by issuing FIR No.425 of 2014.

i) The petitioner approached the learned III Additional Sessions Judge, Ranga Reddy District at L.B. Nagar seeking anticipatory bail, and the learned III Additional Sessions Judge granted anticipatory bail in CrI.M.P. No.25 of 2015 in Cr.No.425 of 2014, by his order, dated 22-01-2015, directing the petitioner to surrender before the III Metropolitan Magistrate, L.B. Nagar within fifteen (15) days from that date, and since he could not comply with the said condition, he made an application in CrI.M.P. No.106 of 2015 seeking extension of time for surrender, and the learned

III Additional Sessions Judge, by his order, dated 13-02-2015, extended the time for furnishing sureties till 21-02-2015, however, recorded that no further time will be granted.

3. That has been the reason why the petitioner approached this Court by preferring the instant petition. The main ground, on which, the instant request sought is, that the petitioner suffered from chickenpox disease and due to the said reason, he was unable to appear before the concerned Magistrate by furnishing sureties and, therefore, sought seven (07) days time.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

5. The learned Additional Public Prosecutor resisted the request contending that no material is placed to show that the petitioner suffered from chickenpox disease. Further, contending that despite lapse of two (02) months, the petitioner only turned up now, sought to reject the request.

6. As seen from the record, the learned III Additional Sessions Judge allowed the application in CrI.M.P.No.25 of 2015 on 13-02-2015, directing the petitioner to surrender before the

III Metropolitan Magistrate, L.B. Nagar within fifteen (15) days from the date of the order, and on such surrender, the learned Magistrate was directed to release the petitioner on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand) with two sureties each for like-sum to the satisfaction of the Magistrate, and later, time was also extended till 21-02-2015, by order, dated 13-02-2015, in CrI.M.P. No.106 of 2015. Keeping in view, the reason assigned by the learned counsel for the petitioner herein, the request of the petitioner can be acceded to, granting seven (07) days time to surrender himself before the III Metropolitan Magistrate, L.B. Nagar, as directed by the learned III Additional Sessions Judge, Ranga Reddy District at L.B. Nagar and comply the condition.

7. Accordingly, the Criminal Petition is allowed.

8. As a sequel thereto, miscellaneous petitions, if any, pending in this Criminal Petition, stand disposed of.

A. SHANKAR NARAYANA, J

April 28, 2015.

Note:

Furnish copy of order

by tomorrow i.e., 29-04-2015.

(B/o)

Mgr