

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1735 of 2015

ORDER :

The petitioner, who is accused No.1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in pursuance of the non-bailable warrants issued against him in C.C.No.151 of 2013 on the file of Additional Judicial Magistrate of First Class at Narsapur, West Godavari District.

The facts in issue are as under:

A charge sheet came to be filed against the petitioner and others for an offence punishable under Section 420 IPC which was taken on file as C.C.No.200 of 2012 on the file of Additional Judicial Magistrate of First Class at Narsapur. Subsequently, the case against the petitioner was split up and the same came to be re-numbered as C.C.No.151 of 2013. As the petitioner did not appear before the trial Court, non-bailable warrants were issued against him.

The learned counsel for the petitioner submits that the petitioner is not aware of registration of the crime and as such his non-appearance before the trial Court was neither intentional nor deliberate. According to him, the petitioner underwent a spinal cord surgery and as such seeks anticipatory bail.

The learned Additional Public Prosecutor opposed the application contending that since last three years the petitioner is evading the process of law and hence no leniency be shown towards him.

A perusal of the material on record would show that the police after investigation filed a charge sheet against the petitioner and others which was taken on file as C.C.No.200 of 2012 on the file of Additional Judicial Magistrate of First Class at Narsapur and thereafter the case

against the petitioner was split up and re-numbered as C.C.No.151 of 2013. Having regard to the facts and circumstances of the case and taking into consideration the submission made by the learned counsel, the petitioner shall surrender before the Additional Judicial Magistrate of First Class at Narsapur and make an application for regular bail after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, at the earliest.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

10th March, 2015
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