

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6121 of 2015

ORDER:

The petitioners, who are accused Nos.3 and 4 in PRC No.3 of 2015 on the file of the Judicial Magistrate of First class, Palakonda, Srikakulam District, for the offences punishable under Sections 457, 380, 411 and 413 IPC, filed this petition under Section 438 of Cr.P.C., seeking anticipatory bail.

Heard and perused the material available on record.

The allegation against the petitioners is that they purchased the stolen property i.e. gold ornaments, from A1 and A2, who committed theft in various houses by break opening the locks. During the course of investigation, the police arrested A1. But, the petitioners were not arrested. After completion of investigation, police filed charge sheet against the accused, showing the petitioners as absconding and hence, the trial Court issued NBWs against the petitioners.

Learned counsel for the petitioners submitted that the petitioners are innocent of the allegations levelled against them and they never purchased any stolen property. He further submitted that the petitioners are suffering with old age ailments and the investigation was completed and the charge sheet was also filed and hence, they may be granted anticipatory bail by recalling the NBW issued against them.

The record would disclose that in two crimes i.e. Cr.Nos.112 of 2013 and Cr. No.163 of 2013 of Palakonda P.S., Srikakulam District, the police filed charge sheet after completion of investigation, showing the petitioners as absconding and therefore, the trial Court issued NBWs against the petitioners for their appearance.

Considering the facts and circumstances of the case, this Court is of the view that the anticipatory bail cannot be granted to the

petitioners.

In the circumstances, the petitioners are directed to surrender before the trial Court and file applications for recalling the NBWs issued against them. On filing of such applications, the trial Court is directed to consider the same on the same day and recall the NBWs on condition of petitioners executing personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) each with one surety for the like sum each for their future appearance before the trial Court.

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

RAJA ELANGO, J

July 07, 2015.

KTL