

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.4361 AND 4800 of 2015

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COMMON ORDER :

The petitioners in CrI.P.No.4361 of 2015 are A.54 and A.55 and the petitioners in CrI.P.No.4800 of 2015 are A.14, A.15, A.35, A.36, A.39 and A.52. They filed these two criminal petitions under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.899 of 2014 of Malkajgiri Police Station, Cyberabad, registered for the offences punishable under Sections 420, 120(B) IPC and Section 66 of the Information Technology Act, 2000.

2. Heard the learned counsel for the petitioners as well as the 1st respondent-State represented by the Public Prosecutor before admission and perused the material on record.

3. The sum and substance of the contention of the petitioners is that their names no way find place in the report given by the 2nd respondent as de facto complainant and it is during investigation they were represented as if they got their complicity and thereby the proceedings are to be quashed by admitting and suspending further investigation and also arrest and apprehension saying they are innocent and some of them are students and some are eking their livelihood by hard work to maintain their family.

4. The learned Public Prosecutor submitted that but for A.14 and A.15, who are the petitioner Nos.1 and 2 of CrI.P.No.4800 of 2015, all other petitioners yet to be apprehended and they are skulking away even police are tracing for them.

5. A perusal of the remand reports show one of the accused's disclosure, leading to know the complicity of other accused that no doubt helps for further investigation as some of the relatives of the petitioners arrayed as accused were appearing for examination and

they used the other accused to give clues regarding the answers in the writing of the examination through cell phones and electric devices and they are privy to the said criminal action.

6. It is not the post cognizance stage of trial and recording of evidence to consider the admissibility or not from the scope of Section 27 or 25 or 30 or 133 read with 114 Illustration (b) of the Evidence Act. Once there is a disclosure as part of investigation from any accused person, the police based on that disclosure irrespective of its inadmissibility during evidence can make further investigation to ascertain the truth.

7. Thereby as the material falls short for this Court to admit the application, but for the factual scenario other wise entitles to the concession of bail so far as petitioners No.1 and 2/A.54 and A.55 in CrI.P.No.4361 of 2015 and petitioner Nos.3 to 6/ A.35, A.36, A.39 and A.52 in CrI.P.No.4800 of 2015 concerned.

7. Accordingly, both the criminal petitions are disposed of, from the fact that all other accused persons mostly enlarged on regular bail, by giving liberty to the petitioners yet to be apprehended referred supra to surrender before learned Magistrate and move for regular bail with notice to A.P.P. In such event, the learned Magistrate shall consider the same on the same day with necessary conditions after hearing the A.P.P. concerned regarding the conditions imposed. Needless to say, after investigation any remedy is left open to the petitioners. The learned Magistrate shall consider to dispense with the presence of accused pending investigation after enlargement on bail.

8. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

15th June 2015.

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