

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7332 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused No.3 under Section 482 Cr.P.C seeking to quash the proceedings in P.R.C. No.31 of 2015 on the file of VIII Metropolitan Magistrate, Cyberabad at Rajendra Nagar which is the outcome of Crime No.321 of 2014 of RGI Airport, Shamshabad registered for the offences punishable under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2) Heard the learned counsel for the petitioner and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) The petitioner who claimed to be the resident of U.S.A. The police having registered the crime supra, in all against three accused including the petitioner by showing in abscondence, for A-1 and A-2 it appears, pending investigation, were enlarged on regular bail and from the final report filed by police that was taken cognizance by the learned Magistrate under Section 190 Cr.P.C to commit the case under Section 209 Cr.P.C. allotted the P.R.C. No.31 of 2015, thereby pending on the file of VIII

Metropolitan Magistrate, Rajendra Nagar. The petitioner is seeking to quash the said P.R.C proceedings.

A perusal of the material falls short for this Court to admit the application, but for to say as the petitioner wants to come down to India and face trial and apprehending arrest before obtaining bail in the meantime from his soon landing in India, the applicant from the entitlement to concession of bail from the contentions of the petitioner that the alleged occurrence was dated 13.09.2014 and the report shown as if prepared on 15.09.2014, whereas submitted to the S.H.O and registered on 18.09.2014 that too after the Missionary as plaintiff maintained civil suit O.S. No.129 of 2014, dated 15.09.2014, against the persons G.Ananda Reddy and Randhir Reddy, under whom the defacto-complainant claims, in filing the criminal report falsely with an after thought version. It is no doubt pointed out by the learned Public Prosecutor that the report is in relation to the premises bearing No.11-28, whereas the civil suit is filed for premises No.11-27. Leave as it is, as discussed supra, when the petitioner wants to come down to India and face trial and A-1 and A-2 are already enlarged on bail on same facts the factual matrix entitles the petition to dispose of for granting bail.

4) Having regard to the above, this petition is disposed of giving liberty to the petitioner to surrender, within 30 days from today, before the learned Magistrate

and move a regular bail application before the learned Special Judge with affidavit of surrender before the learned Magistrate with notice to the Special Public Prosecutor and in such an event, the learned Special Judge shall hear and grant bail on the same day with necessary conditions including assurance of future availability to the committal and later to face the trial if any subject to hearing on charges of the case is pending for committal. Needless to say that any application for discharge, after case committed to the Court of Session and taken cognizance by the learned Special Judge under Section 193 Cr.P.C, can be filed under Section 227 Cr.P.C, in the course of hearing on charges under Sections 226 to 228 Cr.P.C, to decide on own merits only from the prosecution material.

5) It is needless to say, but for clarity, that if the petitioner failed to avail the concession within the time mentioned supra, this order ceases its force and any warrant or lookout notice got its force but for to say in the meantime of 30 days from today the police shall not arrest the petitioner even from his landing in India. Once come down to India and enlarged on bail with deposit of passport, if any, any lookout notice or warrant ceases the force.

6) With the above observations, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions,

if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.8th September, 2015
KSH