

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.10273 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner- A6, under Section 438 of the Code of Criminal Procedure, seeking to grant bail in Crime No.5 of 2013 on the file of Chilamathur Police Station, Anantapur District, registered for the offences punishable under Sections 420 and 506 read with 34 IPC and 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Heard and perused the material available on record.

The allegation against the petitioner is that he along with the other accused tried to encroach the land of the de facto complainant, by creating forged documents and when the complaint questioned the same, they abused him in the name of his caste.

Learned counsel for the petitioner submitted that on the earlier occasion, when the petitioner and other accused moved an application before this court for grant of anticipatory bail, this Court directed them to surrender before the Designated Court and to file an application for regular bail. Accordingly, the petitioner and the other accused surrendered before the Court below and filed an application for grant of bail. But, as the name of the petitioner was wrongly mentioned, the Court below rejected her application for grant of bail, and issued NBW against her and therefore, apprehending arrest in view of the pendency of NBW against her, the present application is filed.

In view of the submissions of the learned counsel for the petitioner, this Court is of the view that this Criminal Petition can be disposed of with the following directions:

The petitioner-accused No.6 is directed to appear before the Court concerned and file an application to recall the NBW pending against her and on filing of such

application, the Court concerned is directed to recall the NBW on the same day on petitioner executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum to the satisfaction of the Court concerned.

Accordingly, the Criminal Petition is disposed of.

RAJA ELANGO, J

October 12, 2015

KTL