

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.5283 of 2015

ORDER:

The petitioner, who is accused No.1 in CC No.812 of 2011 on the file of the III Metropolitan Magistrate, Vijayawada, arising out of Crime No.67 of 2009 of Kirshnalanka Police Station, Vijayawada, registered for the offence punishable under Section 420 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 petitioner is that he purchased the PDS rice from various cardholders of Vijayawda and surrounding areas and doing business illegally along with A2 and A3. During the course of investigation, the police arrested A2 and A3. But, the petitioner was not arrested. After completion of investigation, police filed charge sheet against the accused, showing the petitioner as absconding and hence, the trial Court issued NBW against the petitioner.

Learned counsel for the petitioner submitted that the petitioner is innocent of the allegations levelled against him and he was neither present in the scene of occurrence nor the rice was seized from his possession. He further submitted that the investigation was completed and the charge sheet was also filed and hence, the petitioner may be granted anticipatory bail by recalling the NBW issued against him.

The record would disclose that the crime was registered in the year 2009 and after completion of investigation, the police filed charge sheet showing the petitioner as absconding and therefore, the trial Court issued NBW against the petitioner for his appearance.

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

In the circumstances, the petitioner is directed to surrender before the trial Court and file an application for recalling the warrant issued against him. On filing of such application, the trial Court is directed to consider the same on the same day and recall the warrant on condition of petitioner executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for his future

appearance before the trial Court.

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

RAJA ELANGO, J

June 19, 2015.
KTL