

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 16594 of 2016

ORDER:

Vide present Criminal Petition, The petitioner/Accused No.4 seeks relaxation of the condition imposed in the order dated 21.09.2016 passed in CrI.M.P.No.335 of 2015 by learned Special Sessions Judge for Trial of cases under SCs/STs (POA) Act, at Nizamabad.

While enlarging the petitioner/Accused No.4 on bail, the learned Special Sessions Judge directed her to surrender before the learned Judicial First Class Magistrate, Bichkunda and execute personal bond for Rs.20,000/- with two sureties for the like sum to the satisfaction of learned Magistrate and report before the concerned Station House Officer on every Sunday between 12.00 A.M. and 12 Noon till the filing of charge sheet.

Learned Counsel appearing on behalf of the petitioner/Accused No.4 submits that the petitioner hails from Lathur District, Maharashtra State and it is difficult for her to attend the police station at Buchkonda, Nizamabad District every Sunday between 12.00 AM and 12 Noon. He further submits that pursuant to filing of Criminal Petition No. 12979 of 2016 filed by Accused Nos. 2,3 and 5 to 8 seeking to quash the proceedings in the aforesaid crime, this Court while disposing of the criminal petition directed the police to proceed with the investigation and file charge sheet without arresting accused Nos. 2,3 and 5 to 8.

Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed the petition and submits that the petitioner/Accused No.4 may be directed to appear before the Investigating Agency as and when summoned/required for the investigation purpose.

Having heard the learned Counsel appearing for the petitioner, learned Additional Public Prosecutor appearing on behalf of the respondent State and keeping in view the averments made in the accompanying affidavit, I hereby modify the order dated 21.09.2016 passed in CrI.M.P.No.335 of 2015 by learned Special Sessions Judge for Trial of cases under SCs/STs (POA) Act, at Nizamabad by relaxing the condition of requiring the petitioner/Accused No.4 to attend the police Station on every Sunday between 12.00 A.M. and 12 Noon till the filing of the charge sheet. However, the petitioner/Accused No.4 shall attend before the Investigating Agency as and when summoned/required for the purpose of investigation till the charge sheet is filed.

With the aforesaid modification of the order of the Court below, the Criminal Petition is allowed in part.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

JUSTICE SURESH KUMAR KAIT

DATED 7th December, 2016.
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