

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5832 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking a direction to the learned IV Additional Judicial Magistrate of First Class, Tirupathi to recall the lookout circular in connection with Crime No.57 of 2015 of Mahila Police Station, Tirupathi.

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondents.

Admittedly, on the basis of lookout circular issued in connection with Crime No.57 of 2015 of Women Police Station, Tirupathi, when the petitioner returned to India on 15-02-2016, the Airport authorities detained him and thereafter he was produced before the concerned Magistrate, who granted judicial custody. It is evident that thereafter the petitioner was enlarged on bail with some directions that he shall report to the concerned police station on every Monday for a period of three months or till filing of charge sheet; not to leave India without permission of the Court and that the passport of the petitioner was also seized by the police. Thereafter, in Criminal Petition No.3101 of 2016, this Court ordered the Regional Passport Authority to return his passport on his execution of a bond for Rs.5,00,000/- with one surety and permitted him to leave India and travel abroad.

The main ground raised by the learned counsel for the petitioner is that in spite of returning his passport; enlarging on him bail and permission to travel abroad, the Airport authorities are trying to detain him as the lookout circular issued by the Magistrate is still pending with the Airport authorities. He further stated that when once the petitioner was arrested and enlarged on bail basing on the said lookout circular, question of re-arresting the petitioner basing on the lookout circular does not arise.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner, this Court is of the view that when once the petitioner was arrested and released on bail basing on the lookout circular, again the petitioner rearresting on the said lookout circular is nothing but an abuse of process. In such circumstances, when the petitioner was arrested and released on bail, pendency of lookout circular is a futile exercise, and hence, the same is liable to be recalled.

In view of above facts and circumstances, the lookout circular issued by the IV Additional Judicial Magistrate of First Class, Tirupathi in connection with Crime No.57 of 2015 of Mahila Police Station, Tirupathi is hereby recalled and the Criminal Petition is allowed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

Date: 21-04-2016

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RAJA ELANGO, J