

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1602 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioners seeking to set aside the order dated 14.6.2016 passed in Crl.M.P.No.2131 of 2016 in Crime No.64 of 2016 by the Additional Judicial Magistrate of First Class, Bhongir, and to direct the learned Magistrate to accept the surrender and sureties furnished by the petitioners in compliance with the order dated 10.6.2016 passed in Crl.M.P.No.492 of 2016 by the V Additional Sessions Judge, Bhongir.

2. When the petitioners approached the V Additional Sessions judge, Bhongir, by filing Crl.M.P.No.492 of 2016 in an unregistered crime, seeking anticipatory bail, the learned Additional Sessions Judge passed the following order:

“The petitioners-accused shall surrender before the Additional Judicial Magistrate of First Class, Bhongir within 15 days from the date of the order on registering the crime by the police, Bibinagar and on such surrender, the petitioners-accused shall be released on bail on obtaining a bond for Rs.10,000/- each with two sureties for the like sum each with a further condition that the petitioners-accused shall make themselves available for interrogation as and when required and that the petitioners shall not directly or indirectly make their inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing said facts to the Court or to any police officer and that the petitioners-accused shall not leave India without prior permission of the Court.”

After obtaining the above order, the petitioners filed Crl.M.P.2131 of

2016 before the Additional Judicial Magistrate of First Class, Bhongir, praying to accept their surrender. The learned Magistrate accepted the surrender of the 1st petitioner alone and enlarged him on bail while rejecting the surrender of other petitioners vide order dated 14.6.2016. Aggrieved by the same, the petitioners filed this revision.

3. Heard and perused the material available on record.

4. In the order impugned herein, it is observed that except the name and particulars of the 1st petitioner, the names and other particulars of petitioners No.2 to 4 furnished before the Magistrate were not tallying with the names and particulars mentioned in the FIR. On that ground, the learned Magistrate rejected the surrender of the other petitioners Nos.2 to 4.

5. Learned Counsel for the petitioners submitted that the petitioners were granted anticipatory bail in unregistered crime and later, the same was registered as Crime No.64 of 2016 on the file of Bhongir Police Station and the names of the petitioners were not wrongly mentioned in the FIR.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioners can file an application afresh informing their names as well as the names mentioned in the FIR.

7. In the circumstances, petitioners Nos.2 to 4 are directed to file a fresh application before the learned Additional Judicial Magistrate of First Class, Bhongir, informing their names as well as the names mentioned in the FIR. On such application being filed, the learned Magistrate is directed to accept their surrender and release them as ordered by the V Additional Sessions Judge, Bhongir.

8. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 22nd June, 2016
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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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