

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 16681 of 2016

ORDER:-

This Criminal Petition is filed being aggrieved by the order dated 28.11.2016 in CrI.M.P.No. 3389 of 2016 in Cr.No.89 of 2016 of CCS Police Station, D.D., Hyderabad passed by IV Additional Metropolitan Sessions Judge, Hyderabad, whereby the petitioners – A1 and A2 are directed to surrender before the concerned Investigating Officer within 10 days from the date of the order. It is further directed that on such surrender, they are ordered to be enlarged on bail on their execution of personal bond for Rs.1.00 lakh (Rupees One Lakh Only) each with two sureties for like sum each to the satisfaction of the same investigating officer. Further, they are directed to appear before the S.H.O. concerned on every Sunday between 10:00 a.m. and 05:00 p.m. until further orders.

From a perusal of the impugned order, it seems that the petitioners are habitual offenders and booked in serious offences punishable under Sections 420 and 406 IPC. If that was the position, there should have been no occasion for the trial Court to record in paragraph No.6 of the impugned order as follows:

“Perused C.D. Part of the investigation is completed. The matter appears to be civil in nature. Hence, I am inclined to grant anticipatory bail to the petitioners.”

I have no hesitation to place on record that if the learned Judge was satisfied that there is no offence against the petitioners, what prompted him to impose hard conditions on them.

Hence, without commenting much on the approach of the trial Court, I hereby direct the Station House Officer, CCS Police Station, D.D., Hyderabad, to enlarge the petitioners – A1 and A2 on bail on furnishing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with one surety for the like sum each to his satisfaction.

It is made clear that the petitioners need not appear on every Sunday as directed by the trial Court, however they shall appear before the Station House Officer concerned as and when called for the purpose of investigation till charge sheet is filed. The petitioners shall approach the investigating officer concerned within one week from today for the purpose of bail.

Accordingly, the Criminal Petition is allowed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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SURESH KUMAR KAIT, J

09.12.2016  
bcj