

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.13870 OF 2015

-
ORDER:

-
This Criminal Petition is filed by the petitioner-A.1 invoking the provision under Section 438 of Cr.P.C. seeking a direction to the respondent-police to release the petitioner on bail in the event of his arrest in connection with Crime No.146 of 2013 on the file of Chinnachowk Police Station, Kadapa District registered for the offences punishable under Sections 324 r/w 34 IPC and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Heard the learned counsel for the petitioner and learned Additional Public Prosecutor. Perused the material on record.

When the matter is taken up for hearing, learned counsel for the petitioner informed that basing on the complaint, the petitioner already approached this Court along with other accused by filing CrI.P.No.11879 of 2013 and this Court IN CrI.P.M.P.No.10615 of 2013 by order dated 11.10.2013 directed the respondent-police not to arrest the petitioners therein. Now it is submitted that the police have completed the investigation and laid the charge sheet before the committal Court. However, the learned counsel for the petitioner could not establish the fact that the petitioner apprehends the arrest in the hands of the respondent-police since an order passed by this Court directing the police not to arrest the petitioner is in existence. Hence, this Court is of the view that the present petition is not maintainable inasmuch as there is no apprehension of arrest of the petitioner herein.

Now the learned counsel for the petitioner submitted that even though the petitioner is not having the threat of arrest, in

view of the fact that the case is triable by a Court of Sessions, on appearance by the petitioner before the committal Court, there is a necessity for the petitioner to execute a bond for his future appearance before the trial Court concerned. It is further submitted that when the petitioner intended to surrender and execute a bond for his future appearance before the trial Court, the learned Magistrate refused to accept his surrender petition and also refused to accept any sureties in view of the existence of order passed by this Court in CrI.P.No.11879 of 2013 directing the police not to arrest the petitioner until further orders.

After hearing both sides, this Court is of the view that the order passed by this Court in CrI.P.No.11879 of 2013 directing the respondent-police not to arrest the petitioner during the course of investigation will not stand in the way of the Magistrate concerned to take/accept the bonds that would be executed by the petitioner for his future appearance before the trial Court in view of the fact that the investigation is completed and the charge sheet is also filed. In that view of the matter, the petitioner herein is directed to appear before the Magistrate concerned and file an application for execution of a bond for a sum of Rs.10,000/- for his future appearance before the trial Court. On such application being filed, the learned Magistrate is directed to accept the same. On such execution, the learned Magistrate is directed to commit the case to the Court of Sessions and the petitioner is also directed to appear before the trial Court regularly.

The Criminal Petition is accordingly disposed of.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

04.01.2016

Tsr