

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRL.P.NO.15117 OF 2016

O R D E R

Vide the present petition, petitioner/accused seek direction thereby directing the Senior Executive Officer, CID, A.P., Hyderabad to release him on bail in the event of his arrest in connection with Crime No.1/2016 registered for the offences punishable under Section 420, 464, 468 and 120-B of IPC and under Sections 43 and 44 of Motor Vehicles Act.

The learned Public Prosecutor appearing for the State of A.P. submits that the petitioner has already filed criminal petition before this court in CrI.P.No.13543/2016 under Section 482 of Cr.P.C. for quashing of the crime and the same is pending consideration. Along with the said petition, the petitioner filed miscellaneous petition in CrIp.M.P.No.15290/2016 seeking interim stay of the proceedings in the crime including arrest. Pending the said criminal petition and the miscellaneous petition, petitioner filed the present petition for grant of anticipatory bail, which is not maintainable.

On a specific query by this court whether the petitioner has disclosed in the present petition with regard to filing of the earlier quash petition in CrI.P.No.13543/2016, the learned Senior Counsel Sri D.Prakash Reddy, appearing on behalf of learned counsel for the petitioner, answered in the negative. However, he submits that the petitioner at paragraph No.14 of the present petition petitioner stated that *"with regard to criminal petition to quash the FIR, that is a different proceedings initiated to protect his interest and more so the petitioner is entitled to pursue his legal remedies available under law."*

From a reading of the above statement it is clear that the fact of filing quash petition under Section 482 of Cr.P.C. has been mentioned by the petitioner very cleverly without mentioning the numbers i.e., CrI.P.No.13543/2016 and CrIp.M.P.No.15290/2016, whereby he sought for interim stay of the criminal proceedings including arrest.

I am of the view that this amounts to suppression of fact and on this count the criminal petition is dismissed.

SURESH KUMAR KAIT,J

DATE:3.11.2016

AVS

