

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

**CRIMINAL PETITION Nos. 1838, 1839, 1840 AND
1969 OF 2016**

COMMON ORDER:

Since the petitioner in all the four petitions is one and the same, they are disposed of by this common order.

In Criminal Petition No.1838 of 2016 the petitioner herein was shown as A-1 in S.C.No.595 of 2010 on the file of the District and Sessions Judge, Ongole, Prakasam District which arose out of Crime No.356 of 2008 of Taluka Police Station, Ongole, Prakasam District, registered for the offences punishable under Sections 120-B, 396, 400, 402, 412, 414 and Section 201 of IPC and Section 25(1)(A) of Indian Arms Act.

In Criminal Petition No.1839 of 2016, the petitioner was shown as A-1 in S.C.No.73 of 2010 on the file of the District and Sessions Judge, Ongole, Prakasam District which arose out of Crime No.150 of 2008 of Singarayakonda Police Station, Prakasam District, registered for the offences punishable under Sections 120-B, 396, 400, 402, 412, 414 and 201 IPC.

In Criminal Petition No.1840 of 2016, the petitioner was shown as A-1 in S.C.No.91 of 2010 on the file of the District and Sessions Judge, Ongole, Prakasam District, which arose out of Crime No.140 of 2008 of Maddipadu Police Station, Ongole, Prakasam District, registered for the offences punishable under Sections 120-B, 396, 400, 402, 412, 414 and 201 IPC.

In Criminal Petition No.1969 of 2016, the petitioner was also shown as A-1 in S.C. No.90 of 2010 on the file of the District and Sessions Judge, Ongole, Prakasam District, which arose out of Crime No.142 of 2008 of Maddipadu Police Station, Ongole, Prakasam District, registered for the offences punishable under Section 25(2) of Indian Arms Act.

A perusal of the material on record would show that on 3rd day of November 2009 this Honb'le Court, in Criminal Petition No.8905 of 2009, while rejecting the request for bail, directed the learned Sessions Judge, Prakasam District, to take steps and see that the case is committed to the Sessions Court and the trial is commenced as expeditiously as possible preferably within a period of three months from the date of receipt of the copy of that order.

However, on 17.03.2010 in Crime No.356 of 2008 of Taluka Police Station, Ongole, Prakasam District, this Court granted bail to the petitioner, vide Criminal Petition No.1821 of 2010, on his executing a personal bond for Rs.25,000/- with two local sureties for a likesum each to the satisfaction of the III Additional Judicial First Class Magistrate, Ongole,

Prakasam District.

Subsequently, on 12.01.2010 in Crime No.140 of 2008 of Maddipadu Police Station, Ongole, Prakasam District, this Court granted bail to the petitioner vide Criminal Petition No.44 of 2010 on his executing a personal bond for a sum of Rs.5,000/- with two sureties for the likesum each to the satisfaction of the learned Special Judicial Magistrate of First Class, Mobile Court, Ongole. Challenging the said order the State filed Special Leave Petition before the Apex Court, which was dismissed on 15.04.2011. Later L.Ws.28 and 31 in Crime No.140 of 2008 of Maddipadu Police Station filed an application under Section 439(2) Cr.P.C., for cancelling the bail granted to the petitioner. The learned Single Judge of this Court in CrI.P.M.P. No.4597 of 2011 in CrI.P.No.44 of 2010 allowed the application and cancelled the bail granted to the petitioner in CrI.P. No.44 of 2010. The said order was passed on 23.06.2011. When it was brought to the notice of the Court that the Supreme court has confirmed the order of this Court in CrI.P.No.44 of 2010, the said order was recalled on 14.10.2011 vide CrI.P.M.P. No.10526 of 2011. Thereafter the State has filed an application under Section 439(2) Cr.P.C., seeking cancellation of the bail granted to the petitioner in CrI.P.No.1821 of 2010 i.e., in Crime No.356 of 2008 of Ongole Taluk Police Station, Prakasam District. The said application was rejected on 14.01.2013. Since the petitioner failed to appear before the Court, warrants came to be issued and he was taken into custody. The record discloses that out of 17 cases registered against the petitioner, 9 ended in acquittal and 8 are still pending for consideration.

The Public Prosecutor submits that the petitioner after getting himself released on bail in CrI.P.No.31 of 2010, absconded. He was again arrested and released on bail in a case registered in Nalgonda District on 09.10.2012 and again absconded. Later he was produced on P.T. warrant on 22.06.2013. As could be seen from the record, about 8 cases are still pending against him and all the cases relate to identical offences and all the cases are pending before the same Court in different stages of the trial. The record also discloses that after he was released on bail in the month of March 2010 he got himself involved in some more crimes i.e., Crime No.48 of 2010, 43 of 2010 and 72 of 2010 which are all disposed of. After his second release i.e., on 09.10.2012 from Nalgonda Jail, the petitioner was involved in three more cases i.e., Crime No.19 of 2014, 28 of 2014 and 77 of 2014 of Kurnool III Town Police Station, Ongole Taluka Police Station and Ongole Taluka Police Station respectively. The record further discloses that he was found absconding for a spell of three months i.e., from 31.03.2010 to 14.10.2010 and later on from 09.10.2012 to 14.01.2014. Since all the cases are in the midst of trial, Public Prosecutor submits that if he is released on bail now there is every likelihood of he evading the process of law. He submits that they will complete the trial at the earliest and if necessary suitable instructions may be given.

The learned counsel for the petitioner submits that such directions were given

earlier but the prosecution failed to comply with the same. He submits that due to vengeance the cases have been initiated against the petitioner. It may be true that the petitioner is acquitted in some of the cases in which the trials are completed, but having regard to the fact that he violated the conditions of the bail; since the request of the other accused in the very same crimes was considered and rejected by this Court and having regard to the gravity of the offence, I am not inclined to consider the request of the petitioner. However the trial court is directed to complete the trial in all cases as expeditiously as possible preferably within six months from the date of receipt of the copy of this order.

Accordingly, the criminal petitions are disposed of.

JUSTICE C. PRAVEEN KUMAR

Dt:09.03.2016
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