

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.2175 of 2017

ORDER:

In this petition filed under Section 439(2) Cr.P.C, the de-facto complainant prays to cancel the bail granted to the respondents/A1, A2 and A5.

2) It may be noted that in CrI.M.P.No.3551 of 2016, the learned IV Additional Metropolitan Sessions Judge, Hyderabad in his order dated 04.01.2017 granted anticipatory bail to the respondents/A1, A2 and A5 observing that entire investigation is completed and case was registered as PRC No.39 of 2016 by the committal Court and nothing remain either to recover or to seize from the respondents and further, the allegation that if granted bail accused may indulge in tampering with the evidence and intimidate the witnesses does not cover any mass.

3) While pleading for cancellation of bail, learned counsel for petitioner/de-facto complainant would argue that respondents/A1, A2 and A5 are rowdy elements in the locality and they threatened the petitioner's family on a number of occasions to withdraw the case against them and lest to see their end and thereby, the petitioner's family is apprehending danger to their lives in the hands of respondents and there is every possibility of respondents attacking the petitioner.

4) Per contra, learned counsel for respondents while opposing the petition, would submit allegations are baseless and created to somehow

see that bail granted to the respondents is cancelled. He would submit that since after bail the respondents did not indulge any sort of antisocial activities and there is no basis for the allegations levelled by the petitioner. He placed reliance on the judgment of this Court in ***Aveena Gudipati v. Vangapandu Srikanth***¹ to buttress his argument that when bail is granted by following due procedure, except the prosecution the *de-facto* complainant will have no *locus standi* to seek for cancellation. He thus prayed to dismiss the application.

5) As can be seen, except the oral assertion of petitioner, there is no *prima facie* material to hold that after securing bail respondents/A1, A2 and A5 indulged in the acts of either threatening the petitioner to cow down or in any other anti-social activities. Learned counsel for petitioner would urge that the petitioner made an oral complaint to the police of Chandrayanagutta PS, but they did not take any action against the respondents. This submission will not lead anywhere because if the threat was so serious, they ought to have lodged written complaint to the police to give them an opportunity to enquire into the veracity of the allegations. As can be seen from the order in CrI.M.P.No.3551 of 2016, the same was passed considering that investigation was completed and case was registered as PRC No.39/2016 and nothing was left for prosecution to seize from the respondents/accused. The order is in accordance with law and prevailing facts and therefore, present petition

¹ 2011 (2) ALD (CrI.) 509 (A.P.)

is liable to be dismissed as no material could be placed by the petitioner as of now.

6) However, to appease their apprehension a suitable direction can be given. Accordingly, respondents/A1, A2 and A5 are directed to appear before the SHO, Chandrayanagutta PS on every Wednesday and Sunday between 11 AM and 1 PM for a period of six (6) months.

7) The petition is accordingly disposed of.

Date: 22.06.2017
Murthy

U. DURGA PRASAD RAO, J

