

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.4717 OF 2017

ORDER:

The State of Telangana, through the Station House Officer, Cherla Police Station, Kothagudem District, has come up with the present Criminal Petition, under Section 439 (2) of the Code of Criminal Procedure, 1973, requesting to cancel the bail granted to the respondents, who are arraigned as accused Nos.1 to 3, by order, dated 12.06.2017, in CrI.M.P.No.685 of 2017 in Cr.No.50 of 2017 by the learned V Additional Sessions Judge, Kothagudem, on the main ground that investigation is still under progress and the respondents are not co-operating with the Investigating Agency, despite condition being imposed by the learned V Additional Sessions Judge, Kothagudem, at the time of granting bail, to report to the Station House Officer, Cherla Police Station, once in a week on every Sunday between 10:00 AM and 05:00 PM for a period of three months.

2. The aforesaid condition was imposed on 12.06.2017 and the present Criminal Petition was filed on 19.06.2017.

3. Heard the learned Additional Public Prosecutor for the State of Telangana and Sri O. Kailashnath Reddy, learned counsel for the respondents.

4. The learned Additional Public Prosecutor would submit that the condition imposed by the learned V Additional Sessions Judge,

Kothagudem, to report to the Station House Officer, Cherla Police Station, between the specified hours on every Sunday, mentioned in the above, was not complied with. That has been the initial argument advanced by the learned Additional Public Prosecutor. But, somehow, that plea is not finding place in the affidavit filed by the Circle Inspector of Police, Bhadrachalam, Bhadadri, Kothagudem District. The learned Additional Public Prosecutor would attempt to take aid of what is mentioned in paragraph No.6 of the affidavit filed in support of the Criminal Petition, but that would not suffice as rightly contended by the learned counsel for respondents. It is true, when there has been violation of the conditions imposed by a Court while granting bail, that violation has to be specifically pleaded. Without there being a specific plea therefor, certainly, the argument advanced at the stage of hearing cannot be given any weight.

5. The question is whether the respondents are really not co-operating with the Investigating Agency?

6. The learned Additional Public Prosecutor would submit that the other accused in the said crime are absconding and they are yet to be apprehended.

7. It is no doubt true, such a situation may be prevailing, but, however, that cannot be a ground to accede to the request of cancellation of bail granted by the Court below.

8. The learned Additional Public Prosecutor would make a further submission to direct the respondents to co-operate with the Investigating Agency whenever called.

9. The said submission appears to be reasonable and, therefore, to that extent making an observation that the respondents shall appear before the Investigating Agency whenever the Investigating Agency calls them for the purpose of interrogation, the request made herein is rejected, dismissing the Criminal Petition.

July 03, 2017.
MD

A. SHANKAR NARAYANA, J

