THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.9342 OF 2017

ORDER:

This petition is filed by the sole accused, under Sections 437 and 439 of Cr.P.C., seeking bail in S.C. No.599 of 2012 on the file of the Court of Special Sessions Judge for Fast Tracking the Cases Relating to Atrocities Against Women at Karimnagar.

2. Learned counsel for the petitioner submitted that no citizen of India can be detained in jail unless he is convicted and sentenced to undergo imprisonment. He further submitted that the prosecution alone will conduct trial; therefore, it is a fit case to grant bail to the petitioner. **Per contra,** learned Additional Public Prosecutor representing the State submitted that the petitioner did not attend the Court since very long time. He further submitted that if the petitioner is released on bail, he may not appear before the trial Court to face trial.

3. A perusal of the record reveals that the petitioner, who is the sole accused, is facing trial in S.C.No.599 of 2012, for the offences punishable under Sections 366, 366-A, 376 and 506 IPC. It is the duty of the accused to appear before the trial Court on each and every date of adjournment. The record further reveals that for one reason or the other, the petitioner did not appear before the trial Court in the month of November, 2013; therefore, N.B.W was issued against him. The trial Court re-called the N.B.W issued against the petitioner on 10.03.2014. Again, for the reasons best known, the petitioner did not appear before the trial Court; therefore, N.B.W was issued against him on 19.05.2014 and the same was executed on 14.02.2015. The record further reveals that the petitioner filed bail application and the same was allowed

on 06.08.2015. The record further reveals that the petitioner jumped from the bail. Having no other alternative, the trial Court issued N.B.W against the petitioner to secure his presence for completion of the trial. With great difficulty, the Prosecuting Agency executed the N.B.W against the petitioner on 26.07.2017. The petitioner filed Crl.M.P.No.69 of 2017 on the file of Special Sessions Judge for Fast Tracking the Cases relating to Atrocities against Women at Karimnagar, seeking bail and the same was dismissed on 29.08.2017.

4. The Court has to exercise its discretionary power judiciously basing on sound principles of law. The Court has to consider the previous conduct of the parties while exercising the discretionary powers. The offence alleged to have been committed by the petitioner is heinous one and the petitioner has no respect to the law or Courts. Therefore, he is not attending before the trial Court to protract the trial in S.C. No.599 of 2012 as long as possible.

5. As rightly pointed out by the learned Additional Public Prosecutor that if this Court grants bail to the petitioner, it is very difficult to the Prosecuting Agency to secure his presence so as to ensure completion of the trial. A perusal of the record reveals that P.Ws.1 to 5 were examined and the matter is coming up for further evidence. If the petitioner is released on bail, there is no guarantee that he will appear before the trial Court in view of his past conduct. The Sessions Case is of the year 2012 and the trial is pending for the last five years, due to the conduct of the petitioner. The Court shall not lose sight of the past conduct of the accused while granting or refusing bail.

6. Taking into consideration the nature of the offences alleged to have been committed by the petitioner and the past conduct of the petitioner, I am of the considered view that it is not a fit case to grant bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

DATED: 10-10-2017.
Hsd

Note: Issue CC by tomorrow