

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.221 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. to grant pre-arrest bail to the petitioner in C.C.No.182 of 2016 on the file of XII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, for the alleged offences punishable under Sections 420 and 406 read with 120B I.P.C.

The case of the prosecution, in brief, is as follows:

Petitioner herein is the 4th accused and her mother was Central Cabinet Minister and other accused are related to the said Minister. Taking advantage of the position of the said Minister, during the year 2011, the petitioner herein and other accused collected amount from the *de facto* complainant and others promising to provide employment in Railways and cheated them. The said Minister died in the month of July, 2014. The present complaint was lodged in the month of December, 2014.

During pendency of investigation, petitioner herein and other accused filed Criminal Petition No.7711 of 2015 for grant of pre-arrest bail under Section 438 of Cr.P.C. and accordingly, this court was pleased to grant pre-arrest bail to them, in Crime No.370 of 2014 of Nampally Police Station, Hyderabad, which is numbered as present C.C. on 8th September, 2015, directing them to surrender before the Magistrate concerned on or before 20th September, 2015 and on such surrender, they shall be enlarged on bail on each of

them executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) and with further direction that they should report before the S.H.O. concerned on every day between 10 A.M., and 5 P.M., for a period of 20 days. The order passed by this court became final but the petitioner could not comply the same.

The only reason explained by the petitioner is that due to financial problem, she could not comply the order passed by this court.

Now, the investigation is completed and charge sheet is only filed and the same was numbered as C.C. referred above. During hearing, the learned counsel for the petitioner would contend that due to financial problems, she could not surrender before the concerned S.H.O. and as such, she could not comply the order passed by this court as the court insisted her to deposit the amount in cash.

But as seen from the order, the petitioner and other accused were directed to surrender before the Magistrate on 20th September, 2015 and on such surrender, they shall be enlarged on bail on each of them executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for the like sum each to the satisfaction of the Magistrate concerned. But the court did not direct her to deposit the amount and she was required to execute a personal bond for her appearance and face the trail in future. Therefore, the reason assigned by the petitioner for her failure to surrender before the concerned Magistrate due to financial problem

appears to be an invention to cover up her laches for non-compliance of the orders passed by this court and as such she did not comply the direction issued by this court in the earlier Criminal Petition referred above and she does not deserve any sympathy and hence, I find no ground to enlarge the petitioner on pre-arrest bail at this stage as she failed to comply with the directions issued by this Court in the earlier Criminal Petition referred above and therefore, this court cannot extend the time for compliance of the direction of this court while exercising the discretionary power of this court under Section 438 of Cr.P.C. since the jurisdiction of this court is limited. Hence, I see no ground to accede to the request of the petitioner at this stage and as such, this Criminal Petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 17-1-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 17-1-2017.

Dvs