

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO. 2885 OF 2017

ORDER:

This Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/A-1 on bail in Crime No.113 of 2009 of Police Station, Mangalhat, Hyderabad for the offences punishable under Sections 302, 324, r/w 34 of IPC.

The main contention of the petitioner is that he was already enlarged on bail, but on one occasion he was absent before the Sessions Court. Therefore, the Sessions Court issued N.B.W. and in execution of N.B.W., he was arrested and remanded to judicial custody and the petition filed by him to recall N.B.W. was also dismissed and the order became final and therefore, requested this Court to enlarge the petitioner on bail.

It is clear from the facts on record that the Sessions Case is of the year 2011 and the Sessions Case could not be disposed of on account of the presence of the petitioner and only on execution of N.B.W. he was remanded to judicial custody, but still the Sessions Court did not complete the trial of the Sessions Case.

The apprehension of the prosecution is that in case the petitioner is enlarged on bail, there is every possibility of fleeing from justice and thereby it is difficult for the Court to proceed with the trial of the Sessions Case. Therefore, taking into consideration of the facts and circumstances of the case and the petitioner fleeing from justice and failed to appear before the Court during the trial

defeating the very intention of granting bail to the petitioner to secure his presence, the petitioner does not deserve any sympathy.

However, taking into consideration the facts of the case, the Sessions Judge is directed to decide the matter in accordance with law within two months from the date of receipt of a copy of this order.

Accordingly, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

Date:13.04.2017
ccm



JUSTICE M. SATYANARAYANA MURTHY

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



CRIMINAL PETITION NO.2885 OF 2017

Date:13.04.2017

ccm