

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.10676 of 2017

ORDER:

This Criminal Petition, under Section 439(2) of the Code of Criminal Procedure, 1973, is filed by the petitioner-State, for cancellation of anticipatory bail granted to the respondent/accused by the learned IV Additional Metropolitan Sessions Judge at Hyderabad, vide order, dated 01.05.2017, passed in CrI.M.P.No.1247 of 2017 in Crime No.298 of 2014 on the file of the Police Station, CCS, Hyderabad.

2. Heard the learned Additional Public Prosecutor representing the petitioner-State. Notice ordered to the respondent/accused was served on 05.12.2017. In spite of service of notice, none appeared for the respondent/accused. Perused the record.

3. The learned Additional Public Prosecutor representing the petitioner-State would submit that the respondent/accused was granted anticipatory bail vide order, dated 01.05.2017, passed in CrI.M.P.No.1247 of 2017, by the learned IV Additional Metropolitan Sessions Judge at Hyderabad, with a condition to cooperate with the investigation. Thereafter, the Assistant Commissioner of Police, AH Team, CCS, DD, Hyderabad, issued six notices, dated 12.05.2017, 23.05.2017, 26.05.2017, 30.05.2017, 06.06.2017 and 11.08.2017 respectively, to the respondent/accused under Sections 91 and 160 of Cr.P.C. asking him to produce (i) Original sale deed document bearing N.10476

of 1980, dated 04.10.1980 registered in the office of the Joint Sub-Registrar – I, R.O., Hyderabad, A.P.; and (ii) Original sale deed bearing No.5034-2013, dated 18.11.2013, registered at the office of the Joint Sub-Registrar, Golconda, Hyderabad. In spite of service of those notices on the respondent/accused, the respondent/accused did not produce the said sale deeds and not cooperating with the investigation. The learned Additional Public Prosecutor representing the petitioner-State has filed the copies of the aforementioned six notices, which substantiates the submission on behalf of the petitioner-State. As per the material placed on record, the aforementioned two sale deeds are necessary for the purpose of investigation to find out the genuineness or otherwise of those two sale deeds. The said two sale deeds are subject matter of the crime also. It is brought to the notice of this Court that the respondent/accused has involved in six similar criminal cases registered by different police stations in Hyderabad district. It is very clear from the submissions made by the learned Additional Public Prosecutor representing the petitioner-State and from the material placed before this Court that the respondent/accused has not been cooperating with the investigating officer. Even after service of notice under Section 91 and 160 of Cr.P.C., the respondent/accused has not produced the aforementioned two sale deeds.

4. Under these circumstances, the anticipatory bail granted to the respondent/accused under Section 438 of Cr.P.C. by the learned IV Additional Metropolitan Sessions Judge at Hyderabad,

vide order, dated 01.05.2017, passed in CrI.M.P.No.1247 of 2017 in Crime No.298 of 2014 on the file of the Police Station, CCS, Hyderabad, is hereby cancelled. The respondent/accused is directed to surrender before the Station House Officer, CCS, DD, Hyderabad, within a period of three (03) days from the date of this order.

5. The Criminal Petition is ordered accordingly.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

08th December, 2017
Bvv

Dr. SHAMEEM AKTHER, J

