

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Crl. R.C. No.39 of 2018

ORDER:

This Crl.R.C is filed by the petitioner/Accused No.3 aggrieved by the order dated 04.12.2017 in Crl.M.P.No.2785 of 2017 in Crime No.521 of 2017 passed by learned Additional Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, Ranga Reddy District, whereunder learned Judge cancelled the bail granted to A.1 and A.3 on the ground that they have not complied with the respective bail order conditions and directed them to surrender before XXI Metropolitan Magistrate, Cyberabad at Medchal, within a week.

2) Heard Sri P.Vijaya Bhasker, learned counsel for petitioner and learned Additional Public Prosecutor for the State (Telangana)

3) The main plank of argument of learned counsel for petitioner is that while granting bail to A.3 in Crl.M.P.No.1570 of 2017 in Crime No.521 of 2017 on 07.07.2017, learned XXI Metropolitan Magistrate, Cyberabad did not impose any condition except directing him to execute personal bond for a sum of Rs.5,000/- with two sureties for a like sum each and the said order was complied. He would further submit that however while granting bail to A.1 in Crl.M.P.No.1569 of 2017 in Crime No.521/2017, learned Magistrate directed A.1 to appear before the SHO, Jawaharnagar on every Sunday between 10:00am to 05:00pm till filing of charge sheet or for two months whichever is earlier. Learned counsel would submit that learned Addl. Metropolitan Sessions Judge, Cyberabad, in his order dt.04.12.2017 in

Crl.M.P.No.2785 of 2017, erroneously held as if A.1 and A.3 have not complied with the bail order condition and cancelled their bail. He would submit that so far as petitioner/A.3 is concerned, since there is no condition for his appearance before SHO, Jawarharnagar PS or before any other authority, learned Additional Metropolitan Sessions Judge ought not to have cancelled his bail.

4) Having perused the relevant record, I find force in his submission. In the order dated 07.07.2017 in Crl.M.P.No.1570 of 2017, learned XXI Metropolitan Magistrate, Cyberabad, has not given any direction to petitioner/A.3 to appear before SHO, Jawaharnagar PS or before any other Police Officer. In that view of the matter, it cannot be said that he violated the terms of the bail.

5) In the result, this Crl.R.C is allowed setting aside the impugned order dated 04.12.2017 in Crl.M.P.No.2785 of 2017 insofar as it relates to petitioner/A.3 only. Consequently, it is directed that petitioner/A.3 shall remain on bail which was granted to him earlier.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 25.01.2018
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