

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
THURSDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND EIGHTEEN**

:PRESENT:

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO: 3187 OF 2018

Between:

Kappala Karthik @ Karthika S/o Ramananda Rao

.....Petitioner/Accused No.3

AND

The State of Andhra Pradesh; rep. by the Public Prosecutor, High Court at Hyderabad, through Inspector of Police, CID, RCIU, Rajamahendravaram.

....Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the CriminalPetition, the High Court may be pleased to enlarge the petitioner/accused No.3 on regular bail in CC.No. 1 of 2016 in Crime No. 10 of 2012 of SHO, CID, RCIU, Rajamahendravaram, Kakinada, East Godavari district, Andhra Pradesh

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI S TULASI DAS Advocate for the Petitioner, PUBLIC PROSECUTOR (AP) for the Respondent and the Court made the following.

ORDER

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 3187 OF 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, for grant of bail to the petitioner-accused No. 3 in C.C.No. 1 of 2016 on the file of the Court of II Additional Judicial I Class Magistrate, Kakinada, East Godavari District (for short, 'the Court below'), registered for the offences punishable under Sections 420 and 120-B read with Section 34 of the Indian Penal Code (for short, 'IPC').

2. Heard learned counsel for the petitioner and learned Public Prosecutor (A.P.).

3. The petitioner along with other accused allegedly committed the offences punishable under Sections 120-B and 420 read with Section 34 IPC. The entire investigation was completed and charge sheet was also filed and the same is numbered as C.C.No. 1 of 2016 pending on the file of the Court below. The main reason for issuing non-bailable warrant against the petitioner by the Court below is that he had been absent though he was aware about pendency of criminal proceedings. In fact, as seen from the material on record, the petitioner was not arrested by the police during investigation and the police filed charge sheet after completion of investigation showing the petitioner as absconding. The Court below, after taking cognizance, ordered non-bailable warrant against the petitioner which has been pending since long time and eventually the petitioner is produced on execution of the non-bailable warrant before the Court below and remanded to judicial custody.

4. Learned counsel for the petitioner submits that the petitioner was not served with any summons or warrant but straightaway has been issued non-bailable warrant and when he was not aware of the pendency of criminal proceedings, he cannot be blamed for the same but this contention cannot be accepted in view of the order dated 19-06-2013 passed by this Court in Criminal Petition No. 5628 of 2013 filed by the petitioner for anticipatory bail. It is therefore evident from the material that the petitioner was aware of the pendency of criminal proceedings before the Court below and he was absent for one reason or the other. However, the petitioner cannot be detained in jail depriving his right to consult his counsel and prosecute the proceedings during trial of the above case.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail.

6. The petitioner is directed to be released on bail on condition of his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Court below and the petitioner shall not leave the headquarters without the leave of the Court below till completion of trial in the abovementioned C.C.

7. The criminal petition is accordingly allowed. Pending miscellaneous petitions if any shall stand closed in consequence.

//TRUE COPY//

Sd/- T.YAKAIAH
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The II Additional Judicial First Class Magistrate Kakinada, East Godavari District
2. The Superintendent, Sub-Jail, Kakinada, East Godavari District
3. The SHO, C.I.D. RCIU, Rajamahendravaram, Kakinada, East Godavari District
4. One CC to SRI. S TULASI DAS Advocate [OPUC]
5. Two CC's to Public Prosecutor, High Court of Judicature at Hyderabad (OUT)
6. One spare copy

Avs

HIGH COURT

MSMJ

DATED:22/03/2018

ORDER

CRLP.No.3187 of 2018



A handwritten signature in black ink, consisting of a stylized 'S' followed by a long, sweeping horizontal line that curves upwards at the end.

BAIL