

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 4179 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. 2 in S.C.No. 36 of 2013 on the file of the Court of Metropolitan Sessions Judge, Vijayawada (for short, 'the Court below'), arising out of Crime No. 27/2009-10 of Prohibition and Excise Station, Vijayawada West, registered for the offence punishable under Section 8 (c) read with Section 20 (b) (ii) (C) of NDPS Act.

2. Learned counsel for the petitioner submits that the petitioner is suffering from gynogenic problems and she is mentally disturbed and that her absence is neither intentional nor wilful and therefore requested to enlarge the petitioner on bail.

3. Learned Public Prosecutor has opposed the petition on the ground that the sessions case pending against the petitioner is of the year 2013 and that she successfully avoided to face trial for one reason or the other and thereby she does not deserve any sympathy and she cannot be enlarged on bail and if the petitioner is enlarged on bail, there is every possibility of the petitioner jumping the bail in view of the conviction recorded by the Court below against accused No. 1.

4. As seen from the material on record, initially, the petitioner was enlarged on bail by the Court below and after her release, the petitioner did not appear before the Court below to

face trial; that thereupon, the case against the petitioner was separated and accused No. 1 was tried and found guilty and that the petitioner is produced before the Court below on execution of non-bailable warrant and remanded to judicial custody on 07-03-2018. Therefore, I find that it is not a fit case to enlarge the petitioner on bail.

5. The criminal petition is accordingly dismissed. However, the Court below is directed to dispose of S.C.No. 36 of 2013 pending on its file as expeditiously as possible and in any event not later than six months from today. Pending miscellaneous petitions if any shall stand closed in consequence.

17-04-2018.
JSK

M.SATYANARAYANA MURTHY, J.

