

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.5365, 5366 and 5368 of 2018

COMMON ORDER:

The de facto complainant-P.Suryanarayana filed these three applications for cancellation of respective bail orders granted in favour of A1, A3, A4 and A5.

2. Heard learned counsel for the petitioners and learned Public Prosecutor representing the State.

3. So far as A1 concerned, by order dated 17.11.2017 in CrI.MP.No.4642 of 2017, granted regular bail. He was in judicial custody from the date of remand i.e., 03.11.2017 in Crime No.755 of 2017 of Kushaiguda Police Station registered originally for the offences punishable under Sections 448, 324, 380 r/w 34 I.P.C. and in the course of investigation altered to Section 307 I.P.C. The bail order granted is with observations that de facto complainant was discharged from the hospital and as can be seen from the medical certificate and the investigation has been mostly completed thereby the request can be considered in directing to execute self-bond for Rs.10,000/- with two surities for a likesum to the satisfaction of the learned XX Metropolitan Magistrate, Cyberabad at Maklajgiri.

4. So far as A3 is concerned, bail order of even date in CrI.MP.No.4643 of 2017, granted anticipatory bail with

observation of investigation mostly completed and under custodial investigation of the petitioner was not required, thereby, considered request for anticipatory bail in the event of arrest on execution of self-bond with two surities of Rs.10,000/- each to the satisfaction of the Station House Officer, Kushaiguda Police Station.

5. So far as A4 and A5 are concerned, the bail order of even date in CrI.MP.No.4681 of 2017 granted anticipatory bail with self same observations of A3 concerned.

6. Coming to the respective bail cancellation applications on hand concerned, the averments are that there is non-cooperation to the investigating agency by the accused and the stolen property not recovered and A1 involved in other crimes to the knowledge of the petitioner and there is a constant threat from him and his family members to the de facto complainant and his family members to withdraw the crime, thereby it deserves cancellation of bail. So far as cancellation of anticipatory bail of A3, A4 and A5 respectively concerned, it is also with self same averments.

7. In the cancellation of bail applications, a sentence as vague as anything is there is a threat from the accused and their family members to the de facto complainant and his family members. Undisputedly, there is no foundation of the accused made any threat, if so, on what date, in what manner and with what report if at all to the police by bringing to their

notice. It is not even the case of the learned Public Prosecutor that they got any information of such threat by the accused to the de facto complainant from the instructions received. Thereby, the allegation of threat, as a ground to cancel respective bail applications not sustainable.

8. No doubt, the learned Sessions Judge in granting the bail application on same day, observed as if investigation completed and as per the instructions received by the learned Public Prosecutor, the investigation is still in progress. From the very report, there is a theft, leave about there from otherwise there is nothing recovered and not even disclosed from investigation of there is no theft and it is a false accusation. Once such is the case, leave about the civil dispute associated with the crime in question different thing, may be consideration for grant of bail and the injured sustained a simple injury and it is from the hospital so also consideration at best to say with no observation even of no offence under Section 307 I.P.C. is made out for converting from Section 324 I.P.C. to Section 307 I.P.C. However, the learned Sessions Judge did not even impose any conditions to take care of the progress of investigation and submitting of accused and their cooperation for investigation and the anticipatory bail orders granted are blanket orders to keep in pocket and not to even submit, thereby, instead of dismissal,

for no basis, the orders impugned are modified by imposing following conditions:

1. So far as execution of self-bond for Rs.10,000/- with two surites, this Court is not chosen to interfere with the same since already executed.
 2. A1, who obtained regular bail and A3, A4 and A5, who obtained anticipatory bail are directed to surrender before the arresting authority or Magistrate concerned, within one week from today, and on such surrender, they shall execute self-bonds stated supra, failing which the anticipatory bail orders cease their force, leave about the submission of the learned counsel that the said conditions are complied with pursuant to the orders passed in November, 2017 itself.
 3. A1, A3, A4 and A5 shall report before the Investigating Officer on every Sunday till filing of charge sheet and thereafter once in a month on 1st Sunday between 6.00 p.m to 7.00 p.m until further orders, for the purpose of investigation.
 4. A1, A3, A4 and A5 shall not interfere with the de facto complainant or the witnesses in any manner by threat or otherwise.
9. Accordingly, the Criminal Petitions are disposed of.
10. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 17.07.2018

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