

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition Nos.5565,5566 and 5567 of 2018

COMMON ORDER :

Undisputedly, the self-same petitioner in the three respective Calender Cases for the offences punishable u/ sec.5 of the APPDFE Act, 1999 u/ sec.420 IPC among others was granted regular bail and while under that concession, failed to attend the Court and the sureties also abused the bond, as a result, the Non-Bailable Warrant (NBW) was issued and executed and from this the fresh bail applications are filed.

It is not even stated its maintainability of earlier bail orders were cancelled either u/ sec.439(2) or 437(4) CrPC. Once such is the case, from no provision of mere issuance of the NBW tantamounts to cancellation much less even its execution more particularly from the fact that even the NBW issued, it can be recalled as provided u/ sec.70(2) CrPC.

Having regard to the above, the Criminal Petitions are disposed of. The remedy is to pay penalty for earlier non-attendance for the bonds forfeited, without that, again asking the sureties to deposit the bond amount for accused paid and to furnish fresh solvency for enlargement as per the conditions of the earlier bail orders.

Consequently, miscellaneous petitions, if any, pending in these Criminal Petitions shall stand closed.

Date: 05.06.2018
vvr

Dr. B. SIVA SANKARA RAO, J