

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.8157 OF 2018

ORDER:

The petitioner is the *de facto* complainant and seeking cancellation of the anticipatory bail granted in CrI.M.P.No.1122 of 2018 passed by the learned I Additional District & Sessions Judge, Chittoor by order dated 27.06.2018 in favour of the accused persons A1 to A3, who are the respondents 1 to 3, in Crime No.31 of 2017 on the file of Kanipakam Police Station registered for the offences punishable under Sections 468, 471 & 474 IPC.

2. It is pointed out in the anticipatory bail cancellation application of the learned I Additional District & Sessions Judge in granting the bail was influenced by the false plea raised by the bail applicants as if there are civil disputes still pending, for nothing pending as the civil suit referred in the order of O.S.No.188 of 2015 was from the memo of A1 dated 31.07.2017 sought for not pressing and dismissal and the judgment was pronounced on 18.12.2017. Though the crime registered on 21.08.2017, by the time the anticipatory bail application filed in June, 2018 there is no suit pending and thereby, the anticipatory bail order obtained by suppression of misrepresentation of facts and thereby, the same is liable to be cancelled as fraud on Court.

3. Learned counsel for the respondents-A1 to A3 stated that the bail application no way mentions about the suit and its pendency and the order of the learned I Additional District & Sessions Judge at page No.2 paragraph 5(ii) no doubt referring the civil suit as if pending, it must be a

mistaken understanding about the reference of civil suit undisputedly filed pending that was pending as O.S.No.188 of 2015 till judgment pronounced of its dismissal on 18.12.2017 and thereby he cannot be penalised.

4. Having regard to the above and from hearing of the learned Special Assistant Public Prosecutor representing the respondent No.4, it shows the charge sheet already filed in the present crime and none of the offences are punishable above seven years, instead of cancellation by recording of that as if suppression of material fact with fraud on Court, in view of the explanation though not in so many words by any counter of the respondents-A1 to A3, the condition of Rs.20,000/- with two sureties for the like sum each to the satisfaction of the Court, in the order dated 27.06.2018 passed by the learned I Additional District & Sessions Judge, Chittoor, is hereby modified to Rs.50,000/- (Rupees fifty thousand only) with two sureties for the like sum each to the satisfaction of the Court with a direction to attend before the Police Station concerned on first Sunday of every month till the end of trial including for assurance of availability to comply the additional conditions with effect from one (1) week from the date of receipt of a copy of this order.

Accordingly, this Criminal Petition is disposed of.

Dr. B. SIVA SANKARA RAO, J

17.09.2018
MVA