

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.9025 OF 2018

ORDER:

The petitioner is the accused in Crime No.150 of 2017 on the file of Mirchowk Police Station, Hyderabad. The crime is registered on 05.12.2017 for the offences punishable under Sections 341, 323, 506 r/w 34 IPC and Section 25(1) of the Arms Act.

2. The petitioner earlier went unsuccessful before this Court in CrI.P.No.484 of 2018 by order dated 29.01.2018 wherein it is observed that earlier he sought anticipatory bail before this Court in CrI.P.No.24599 of 2017 that was ended in dismissal on merits by order dated 04.01.2018 and it shows he is involved in 20 other cases and with these facts there are no grounds to grant anticipatory bail, but for liberty to seek for regular bail by surrender before the Court below. The petitioner filed a surrender application to surrender before the learned VIII Additional Chief Metropolitan Magistrate, Nampally on 19.06.2018 by mentioning that it is pursuant to the directions of this Court in CrI.P.No.484 of 2018. Having filed the application to surrender not pressed the application on 25.06.2018 and it is thereby dismissed. He says on 19.06.2018 he was admitted in the hospital for the heart problem. Having filed the surrender application before the Court below on that day he left the Court as it appears not even referred by the Court for any medical examination from any requirement of eminent treatment urgently. Subsequently, he did not

choose to surrender. Leave about earlier even that order left open to surrender was passed on 29.01.2018.

3. The factual matrix of the case is that on 05.12.2017 when the *de facto* complainant-Mohammed Nawaz while going towards Yakutpura via Gulzar House towards Kalikaman with his friends and he horned one Fortuner black colour vehicle, suddenly unknown person from the vehicle came out and stopped him and attacked him with hands by abusing and beat him and shouted “Nikal Talwar aur Stick” and skiing his clothes and beat him badly and out of those persons the petitioner, Ex-Corporator of Shalibanda, is one besides others are his supporters and after seeing the Talwar and sticks in their hands the *de facto* complainant ran away from the spot to the police station and reported the occurrence, from which the crime is registered.

4. It is the contention of learned counsel for petitioner that the petitioner was not present at the time of occurrence and there is CCTV coverage if at all produced by the prosecution, truth will be revealed. That is also one of the contentions raised while seeking anticipatory bail and such observation is there at Paragraphs 4 & 5 of the order of dismissal of the anticipatory bail application dated 29.01.2018 in Crl.P.No.484 of 2018.

5. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor representing the State of Telangana in

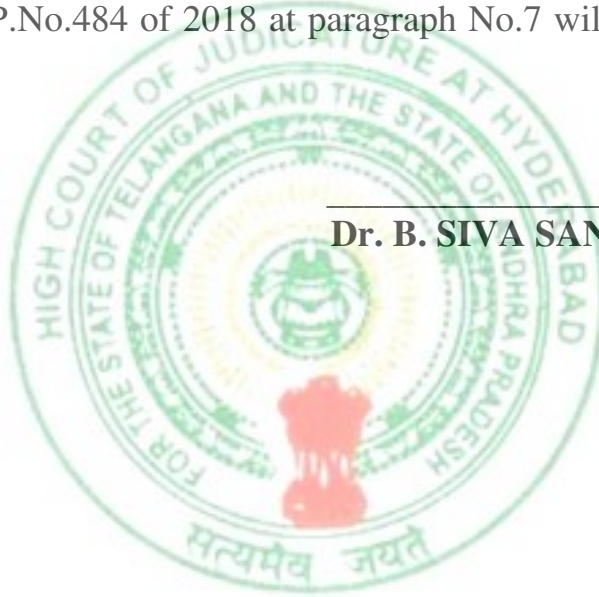
opposing the same and perused the material on record including the Part I case diary.

6. A perusal of the Part I case diary shows in the year 2000 the petitioner was involved in a grave crime for the offences under Sections 307, 323 r/w 149 IPC and other offences including under the Prevention of Damage to Public Property Act, 1984; in 2006 he is involved in four cases, for the offences under Sections 147, 149 IPC in two of the cases, for the offences under Sections 323 & 427 IPC in one of the case, for the offences under Section 427 IPC and Section 3 of the P.D.P. Act in other case; in 2009 he is involved in three cases, one under Section 188 IPC, the other under Sections 324 & 506 r/w 34 IPC and the other under Sections 307, 324, 427 & 149 IPC and Section 27 of the Arms Act; in 2012 he is involved in eight cases, one under Section 151 Cr.P.C., one under Section 160 IPC and the others under Sections 147, 148, 188 r/w 149 IPC and Sections 3 & 4 of the P.D.P.P. Act and Section 7(1)(a) of the Criminal Amendment Act and all crimes are of the Charminar Police Station, but for one of Hussaini Alam Police Station. In 2016, he is involved in two cases, one is registered for the offence under Section 151 Cr.P.C. and the other is for the offences under Sections 341, 323 & 506 IPC; in 2008 he is involved in one case for the offences under Sections 147, 148, 427, 448, 324 r/w 149 IPC of Charminar Police Station; and in 2010 he is involved in another case for the offences under Sections 143, 188 & 447 IPC. It is one of the contentions of the learned Additional Public

Prosecutor, in opposing the anticipatory bail, from the instructions of the police that the petitioner is involved in several cases and there is every threat to the witnesses and if he is enlarged on bail that too not entitled to the concession of anticipatory bail from the factum, custody of him is required and he is in abscondance all through out of availability to police despite efforts.

7. Having regard to the above, this Criminal Petition is dismissed. Needless to say what was the concession provided by the order of this Court in Crl.P.No.484 of 2018 at paragraph No.7 will be available, if at all to avail.

07.09.2018
MVA



Dr. B. SIVA SANKARA RAO, J