

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.9967 OF 2018

ORDER:

The petitioners are A1 & A2 in C.C. No.149 of 2010 on the file of the learned X Additional Chief Metropolitan Magistrate, Secunderabad. It is a case registered for the offence punishable under Section 420 IPC in Crime No.63 of 2009 which is outcome of a private complaint of the *de facto* complainant M/s. Incredible India Projects Private Limited, represented by its Director N.Praveen Kumar.

2. The police after investigation filed the charge sheet and the learned Magistrate taken cognizance for the offence by allotted Calendar Case No.149 of 2010 supra. The accused persons later in abscondance having been obtained originally the anticipatory bail before the learned IV Additional Metropolitan Sessions Judge, Hyderabad, in CrI.M.P.No.1356 of 2008 by order dated 01.06.2009 subject to condition of execution of the self-bond by surrender before the learned X Additional Chief Metropolitan Magistrate, Secunderabad, for Rs.10,000/- with two sureties for a like sum each and shall appear before the Station House Officer concerned once in a month on every 15th between 8.00 A.M. and 11.00 A.M. until further orders or till filing of charge sheet. The petitioners later jumped the bail. It is consequently non-bailabale warrants are issued. Now they are seeking fresh bail by the present application.

3. A perusal of the docket proceedings of the Court shows the petitioners all through in abscondance and the non-bailable warrants are pending since 23.02.2018. Earlier even they were continuously absent from 12.06.2017. There is nothing to show that the bail order was cancelled. Once the bail order is not cancelled as contemplated by Section 439(2) Cr.P.C. or 437(5) Cr.P.C. and the same is in force, the petitioners cannot maintain the fresh bail application covered by the present one, but for the remedy is to pay penalty on the earlier bond and offer fresh solvency before the learned Magistrate concerned pursuant to the earlier anticipatory bail order referred supra.

4. Accordingly, this Criminal Petition is disposed of instead of dismissal by imposing penalty of Rs.15,000/- (Rupees fifteen thousand only) payable by the petitioners-A1 & A2, within a period of fifteen (15) days from the date of receipt of a copy of this order, by surrender before the learned Magistrate concerned and on such payment by offering fresh solvency, pursuant to the anticipatory bail order dated 01.06.2009 in CrI.M.P.No.1356 of 2018 in force, for acceptance of fresh solvency and release of them on the fresh solvency.

Dr. B. SIVA SANKARA RAO, J

27.09.2018
MVA