

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9848 of 2018

ORDER:

This criminal petition is filed by the petitioner/A4 under Section 482 Cr.P.C. in Crime No.109 of 2011 of Tenali III Town Police Station.

The petitioner/A4 was enlarged on bail on conditions vide orders dated 18.06.2015 in CrI.P.No.5186 of 2015 and later when the petitioner filed CrI.M.P.No.701 of 2016 to relax the conditions, this Court directed the petitioner to appear before the CID, Guntur, monthly once viz. first Monday of every month for a period of six months. Thereafter, the petitioner filed CrI.M.P.No.1285 of 2017 before the Sessions Judge under Rule 30 of the Criminal Rules of Practice to dispense with the appearance before the police during crime stage. The District Judge dispensed with the appearance of the petitioner/A4 at crime stage until further orders or till receipt of summons from the trial Court after filing charge sheet, which is earlier. But another rider is annexed to the order of the District Judge directing the petitioner to ensure his availability for all necessary purposes and directed to appear before the concerned police station on first Sunday of every alternative month till his appearance before the Court after registration of the case. This condition is now challenged by filing petition under Section 482 Cr.P.C.

In fact, the petitioner is entitled to seek dispense with the appearance during crime stage and is bound to appear before the Court after charge sheet is filed. As on today no charge sheet is filed. Imposing Condition No.2 against the petitioner/A4 though the conditions imposed in the bail was modified in CrI.M.P.No.701

of 2016 in CrI.P.No.5186 of 2015 by this Court on 27.01.2016, which is contrary to the direction issued by this Court and issuing such direction to appear before the police on first Sunday of every alternative month is an illegality. Therefore, the Condition No.2 in para 6 of the order is hereby set aside exercising power under Section 482 Cr.P.C. for limited purpose of deciding the present petition.

With the above direction, the criminal petition is allowed.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

17.09.2018
kvrn

M. SATYANARAYANA MURTHY,J

