

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9902 OF 2018

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), is filed by the petitioner - accused No.4 viz., Thota Srinivasulu, to quash the order dated 27.09.2017 in Criminal M.P. No.1287 of 2017, arising out of Crime No.70 of 2011 of Durgi Police Station, passed by the learned Principal Sessions Judge, Guntur.

2. The petitioner - accused No.4 was enlarged on bail on conditions vide orders dated 16.06.2015 made in Criminal Petition No.5036 of 2015 and later when the petitioner filed Criminal M.P. No.688 of 2016 to relax the conditions, this Court by order dated 27.01.2016, 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 Criminal M.P. No.1287 of 2017 before the learned Principal Sessions Judge, Guntur, under Rule 30 of the Criminal Rules of Practice to dispense with his appearance before the police during crime stage. The learned District Judge dispensed with the appearance of the petitioner - accused No.4 at crime stage until further orders or till receipt of summons from the trial Court after filing charge sheet, whichever is earlier. But, another rider is annexed to the order of the learned 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 alternate month till his appearance before the Court after registration of the case. This condition is now challenged by filing petition under Section 482 of the Code.

3. 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 - accused No.4 though the conditions imposed in the bail was modified in Criminal M.P. No.688 of 2016 in Criminal Petition No.5036 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 alternate month is an illegality. Therefore, Condition No.2 in paragraph No.6 of the order is hereby set aside exercising power under Section 482 of the Code for limited purpose of deciding the present petition.

4. With the above directions, the Criminal Petition is allowed.

Miscellaneous Petitions, if any, pending in this Criminal Petition stand closed.

M. SATYANARAYANA MURTHY, J

September 18, 2018
Mgr