

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10137 OF 2018

ORDER:

This Criminal Petition, under Section 439 (2) of the Code of Criminal Procedure, 1973, is filed by the petitioner/*de facto* complainant, seeking to cancel the anticipatory bail granted to respondent Nos.1 to 4/A-1 to A-4 *vide* order, dated 12.12.2017, in CrI.M.P.No.1563 of 2017 passed by the learned IV Additional Sessions Judge, Kakinada in Crime No.250 of 2017 of II Town Law & Order Police Station, Kakinada.

2. Heard the learned counsel for the petitioner/*de facto* complainant, the learned Additional Public Prosecutor representing the 5th respondent/State and perused the record.

3. Learned counsel for the respondents 1 to 4/A-1 to A-4 submits that for the very same relief, similar application is filed by the State before the IV Additional Sessions Judge, Kakinada for cancellation of the subject anticipatory bail granted to respondent Nos.1 to 4/A-1 to A-4 and the same is pending for numbering, whereas the present application is filed by the *de facto* complainant. There cannot be two applications to cancel the same bail. In the circumstances of the case, the appropriate forum to deal with the application filed by the State is the Court of the IV Additional Sessions Judge, Kakinada. Therefore, without expressing any opinion with regard to the merits and demerits of cancellation of bail, this Criminal Petition is disposed of leaving it open to the parties to agitate before the learned Sessions Judge.

5. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 31.10.2018
AMD



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AMD