

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.39784 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Station House Officer, Kamalapur Police Station, Warangal Commissionerate, dated 09.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

"It is submitted that the petitioner is accused in Cr.No.15/2018 under Sections 290, 324 and 506 I.P.C., dated 02.02.2018 of Kamalapur Police Station, Warangal Commissionerate. As per the complaint given by one Bairi Dasharatham, S/o.Laxminarayana, caste: Padmasali, R/o.Kamalapur village, the accused abused the complainant and beat with a stone on his left hand, due to which the complainant received severe injuries. The accused also threatened the complainant of dire consequences, due to their Padmashali Sangham issue. Hence, requested to take necessary action against him, as per law.

It is submitted that, during the course of investigation, the complainant was examined and recorded his detailed statement. On 03.02.2018, the Investigating Officer visited the scene of offence i.e., outskirts of Venkateshwarlapalli, H/o.Kamalapur village and Mandal, where secured the presence of panch witnesses, examined the scene in their presence, entered the details of scene in crime detail form in their presence and prepared a rough sketch of the scene of offence. The Investigating Officer has examined and recorded the statements of all other relevant witnesses, sent a requisition to the Medical Officer, Sri Sharanya Hospital, Hanamkonda, for further treatment and issue of wound certificate in respect of the complainant. On 21.03.2018 the Police received wound certificate, in which it is opined that the injured sustained grievous injuries. Basing on the Wound Certificate, Section of Law was altered from 245 to 325 I.P.C.

It is submitted that while the investigation is in progress, the accused filed CrI.P.No.5876/2018 before the Hon'ble High Court for grant of anticipatory bail. The Hon'ble High Court by Order, dated 05.07.2018, directed the accused to appear before the Hon'ble Judicial Magistrate of First Class at Huzurabad or at Police Station, Kamalapur, along with 2 sureties, produce personal bond of Rs.50,000/- in the event of arrest and that the accused shall report before the Investigating Officer on every Sunday and Wednesday till filing of charge sheet and thereafter once in a month on 1st Sunday between 6.00 pm to 7.00 p.m., until further orders of the Hon'ble Magistrate for assurance of his availability and non-interference in any manner with the witnesses.

It is submitted that as per the Orders of the Hon'ble Court, the accused surrendered before the Investigating Officer on 16.07.2018, produced personal bond without putting his signature on the bond and produced only one surety, due to which several times he was asked to produce one more surety and put his signature on the personal bond, but the accused failed to do so by violating the conditions of bail. It is submitted that the accused i.e., the petitioner herein has not appeared in the Police Station and also not signed personal bond for Rs.50,000/- and also produced 2nd surety. Further, the accused is also not giving attendance as directed by the Hon'ble High Court and also not cooperating with the investigating agency. It is pertinent to submit here that the petitioner filed a petition before the Hon'ble Court of II-Additional Judicial Magistrate of First Class, Huzurabad, for relaxation of bail conditions imposed by the Hon'ble High Court and the said petition was also dismissed.

It is submitted that in the above circumstances, we are taking necessary steps for cancellation of bail granted to the petitioner by the Hon'ble High Court vide CrI.P.No.5876/2016, dated 05.07.2018.

In view of the above mentioned facts, it is submitted that, the allegations made in the affidavit are not correct and hereby denied. Since the petitioner/accused has not complied with the conditions of Anticipatory Bail granted by the Hon'ble High Court, the Investigating Officer has to call the petitioner and comply with the same. In spite of repeated requests, the petitioner/accused is not complying with the conditions of anticipatory bail. Left with no other option, appropriate petition is being filed before the Hon'ble High Court for cancellation of the anticipatory bail order. The allegations and contentions raised in the affidavit are without any merit and untenable. The said allegations and contentions have been raised only for the purpose of the Writ Petition."

Accordingly, the Writ Petition is disposed of, by placing on record the said instructions furnished by the Station House Officer, Kamalapur Police Station, Warangal Commissionerate, dated 09.11.2018.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date: 10.12.2018
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