

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11826 of 2018

ORDER:

The petitioners are A1, A3 & A6 in C.C.No.522 of 2012 on the file of the learned II Additional Chief Metropolitan Magistrate, Hyderabad. The same is outcome of the report of the *de facto* complainant registered as Crime No.747 of 2011 dated 17.11.2011 registered for the offences punishable under Sections 506, 420, 406 r/w 34 IPC and Section 7(1)(A) of the Criminal Law (Amendment) Act, 1932.

2. The police after investigation by citing ten witnesses filed the final report and there from the learned Magistrate has taken cognizance for the offences supra. Among the petitioners, A3 was granted regular bail in said crime by order dated 05.12.2011 subject to his execution of bond for Rs.5,000/- with two sureties for a like sum. So far as A1 & A6 are concerned, in page No.3 of the charge sheet it is mentioned that pending investigation A1 was obtained bail in Crl.M.P.No.3700 of 2011 and later released by the Afzalgunj Police on 20.12.2011, and it is also mentioned that A6 along with A2 also obtained bail from the learned Metropolitan Sessions Judge, Hyderabad in Crl. M.P. No.3738 of 2011 and were released.

3. Having regard to the above, once the petitioners A1, A3 & A6 were enlarged on bail either regular or anticipatory as the case may be respectively supra, in the absence of cancellation of bail by any

specific order either under Section 437 (4) Cr.P.C. or Section 439 (2) Cr.P.C., mere absence of the accused or issuance of NBW will not cancel the bail, but for to offer fresh solvency by payment of penalty to the earlier bonds.

4. Accordingly and in the result, this Criminal Petition before admission and before ordering notice to respondent No.2-complainant is disposed of by directing the petitioners to approach the learned Magistrate concerned, and pursuant to the earlier bonds from the bonds committed breach, the petitioners pay penalty of Rs.5,000/- (Rupees five thousand only) **each** and offer fresh solvency to be accepted by the learned Magistrate for their release and consequently by recall of the warrant pursuant to this order.

Miscellaneous petitions pending, if any, shall stand closed.

14.11.2018
MVA

Dr. B. SIVA SANKARA RAO, J