

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.3206 of 2018

ORDER :

This Criminal Revision Case is arising out of the order dated 15.11.2018 in CrI.MP.No.3453 of 2018 in CrI.MP.No.3221 of 2018 in Crime No.962 of 2018 passed by the learned IV Additional Metropolitan Sessions Judge, Hyderabad.

The revision petitioner is accused in Crime No.962 of 2018 of Banjara Hills Police Station, Hyderabad. He has filed the present revision challenging the order passed by the trial Court imposing the condition of depositing an amount of Rs.10,00,000/- in the form of FDR before the III Additional Chief Metropolitan Magistrate, Hyderabad, for grant of anticipatory bail under Section 438 of Cr.P.C.

Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submits that the trial Court has inferred that the petitioner is liable to pay a sum of Rs.10,00,000/- to the defacto complainant and, therefore, directed the petitioner to deposit the said amount towards security for grant of anticipatory bail.

Learned counsel for the petitioner submits that he was the counsel for the petitioner before the trial Court and he has not made any such representation as reflected in para-8 of order dated 01.11.2018 in Crl.MP.No.3221 of 2018 passed by the trial Court and, therefore, sought to set aside the order dated 15.11.2018 in Crl.MP.No.3453 of 2018.

On the other hand, the learned Public Prosecutor submitted that the petitioner was granted bail vide order dated 01.11.2018 in Crl.MP.No.3221 of 2018 passed by the trial Court basing on the submissions made by the learned counsel for the petitioner that the petitioner is ready to deposit Rs.10,00,000/- in the crime towards security and would cooperate with the investigation agency, and that is the reason why the trial Court has refused to relax the said condition vide order dated 15.11.2018 in Crl.MP.No.3453 of 2018.

Para-8 of the order dated 01.11.2018 in Crl.MP.No.3221 of 2018 passed by the trial Court reads as under:

“8. Perusal of record would show the allegations are under Sections 406 and 420 IPC. The counsel for the petitioner submitted that this case is registered after institution of civil suit by the petitioner. However, he represented that the petitioner is ready to deposit Rs.10,00,000/- (Rupees ten lakhs only) in this crime towards security and requested for bail and that the petitioner would cooperate with the investigation agency.”

It is pertinent to note that the trial Court has inferred that the petitioner is liable to pay a sum of Rs.10,00,000/- and, therefore, directed him to deposit the said amount towards security for grant of anticipatory bail. As the petitioner is not inclined to deposit Rs.10,00,000/- as ordered by the trial Court while granting bail, the trial Court has refused to relax the said condition. Therefore, the order dated 15.11.2018 in Crl.MP.No.3453 of 2018 passed by the trial Court is set aside, wherein it has refused to relax the condition imposed by it vide order dated 01.11.2018 in Crl.MP.No.3221 of 2018.

In view of the foregoing reasons, the petitioner is given liberty to file a fresh petition within one week from the date of receipt of a copy of this order seeking relaxation/modification of the condition imposed vide order dated 01.11.2018 in Crl.MP.No.3221 of 2018 and, on such petition being filed, the trial Court shall consider the same on merits and pass appropriate orders in accordance with law.

With the above observations, the Criminal Revision Case is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

26.11.2018
Msr

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