

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12732 OF 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.5 for grant of bail in connection with S.C.No.3 of 2017 on the file of X Additional District and Sessions Judge, Anakapalle, Visakhapatnam District.

2. Heard the learned counsel for the petitioner/A.5 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner/accused would submit that the bail application filed by the petitioner was dismissed by the trial Court without assigning any reasons and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused.

5. The material available on record reveals that NBW was issued against the petitioner on 17.08.2018 and it was executed on 23.10.2018. The trial Court in its order dated 16.11.2018 in CrI.M.P.No.87 of 2018 stated that the petitioner violated the conditions. It is pertinent to state that though NBW was issued, the petitioner did not choose to appear before the Court either on the next week or thereafter. On execution of NBW, he was remanded to judicial custody on 23.10.2018.

6. Learned Additional Public Prosecutor brought to the notice of this Court that the petitioner is also an accused in four

other similar cases. Under these circumstances, it can safely be concluded that if the petitioner is granted bail, again there is possibility of fleeing from justice and protracting the trial. Hence, it is not a fit case to allow the petition.

7. In the result, the Criminal Petition is dismissed.

DR. SHAMEEM AKTHER, J

Date: 05.12.2018
ssp

