

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.797 of 2019

ORDER :

The petitioner is A.2 in Crime No.489 of 2018 of Amberpet Police Station, Hyderabad City, dated 19.11.2018, registered for the offences punishable under Sections 417, 420 and 506 IPC.

2. So far as the allegation against the petitioner concerned, besides the commission of offence against the victim, he also given out that he is the brother of the DGP of Telangana State and no police can do anything on him and also warned that if they lodge complaint he will kill them. The petitioner went unsuccessful in seeking anticipatory bail before the learned Sessions Judge in CrI.M.P.No.251 of 2019 dismissal order, dated 07.02.2019 referring to it, leave about A.1 on arrest was later enlarged on bail by order of the learned IV Chief Metropolitan Magistrate, Hyderabad, moved the present anticipatory bail application.

3. The contentions of the learned counsel for the petitioners are that there is delay of about 12 days from the alleged occurrence dated 06.11.2018 to the date of report 19.11.2018 unexplained and it is nothing but a counter blast to the earlier complaint covered by Crime No.263 of 2018 for the offences punishable under Sections 448 and 506 IPC before the selfsame police station and had the petitioner/accused threatened, why police not chosen to take action is un-understandable, but for a false story and thereby the police are

trying to arrest him without even serving of any notice completed by Section 41-A Cr.P.C. and entitled to the concession of anticipatory bail and the learned Sessions Judge in dismissal of the order not properly adverted to the facts.

4. Learned Public Prosecutor opposed the bail application saying that but for truth there is nothing for the police even to make a mention in the remand report of the threats given out by the petitioner including the police and the police having been aghast may not choose to immediately take a recourse against the petitioner from his using the word for influence of the name of the DGP of the State, thereby the petitioner does not deserve the concession of anticipatory bail as rightly observed by the learned Sessions Judge.

5. Heard and perused the material on record.

6. Delay is one of the grounds, no doubt, but a matter of defence and not a ground for grant of the anticipatory bail, may be a consideration if at all to a regular bail. So far as the threats concerned, there is substance in the remand report also mentioning the factum of the threat to the police also. A citizen is not supposed to do, that too, to thwart the legitimate prosecution of the occurrence including by threatening the police.

7. Having regard to the above, the petitioner does not deserve the concession of anticipatory bail within the judicial discretion. However, it is not a bar if at all to surrender and move for regular bail.

8. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19th February 2019

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