

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.175 of 2020

ORDER :

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 04.02.2020 in CrI.M.P.No.4339 of 2019 in Cr.No.105 of 2019 (of Kalapathar P.S., Hyderabad) on the file of the IV Addl. Metropolitan Sessions Judge, Hyderabad.

2. The learned Public Prosecutor, Metropolitan Sessions Judge Court, Hyderabad, filed CrI.M.P.No.4339 of 2019 under Section 439 (2) Cr.P.C. seeking cancellation of bail granted to the petitioner herein (A3). The learned Sessions Judge, vide impugned order, allowed the petition canceling the bail granted to the petitioner-A3 and directed the petitioner to surrender before the concerned Magistrate within 10 days from the date of the said order. Hence, this revision.

3. Learned counsel for the petitioner-A3 submits that the petitioner has not violated the conditions granted by the Court except not appearing before the police and the petitioner never tried to tamper with the prosecution witnesses. He further submits that the police have to file charge sheet. He further submits that the petitioner is not a habitual offender and he is law abiding citizen. He further submits that the petitioner would undertake to appear before the concerned Court till the completion of trial. Hence, he prays to allow the revision.

4. On the other hand, the learned Addl. Public Prosecutor submits that the Court below after taking into consideration the facts and circumstances of the case and the material available on record, allowed the petition canceling the bail granted to the petitioner and hence, he prays to dismiss the revision.

5. As seen from the record, it is clear that the crime was registered against the petitioner for the offences punishable under Sections 147, 148, 120-B, 302 and 506 r/w 149 IPC and 25 (1)(a) of Arms Act. The Court below granted bail to the petitioner and the petitioner appeared before the concerned SHO only one week and thereafter, failed to appear. The petitioner went to foreign country without obtaining relaxation of conditions of his bail terms and hampering the progress of investigation. Therefore, the petitioner after release, except only one week, did not appear before the SHO and gone abroad without informing the Court. In view of the above facts and circumstances, I do not find any illegality or irregularity in the order passed by the Court below warranting interference of this Court. However, since the charge sheet has not been filed in this case, the petitioner-A3 is directed to surrender before the Spl. Judl. Magistrate of I Class for Excise Cases, Hyderabad, within 7 days from today and move an application before the learned IV Addl. Metropolitan Sessions Judge, Hyderabad, for enlargement of bail and on filing such an application, the learned Sessions Judge shall release the petitioner on bail on

his executing a personal bond for Rs.50,000/- with two sureties for a like sum each to the satisfaction of the concerned Court and impose a condition to the petitioner that he shall surrender his passport before the concerned Court and also impose further condition to the petitioner that he shall not leave the country without prior permission of the concerned Court.

6. Accordingly, the Criminal Revision Case is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

DATED: 13.02.2020.
Hsd

JUSTICE G.SRI DEVI



