

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8671 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/A2, seeking to grant anticipatory bail in C.C.No.97 of 2013 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offence under Section 379 IPC, in connection with Cr.No.192 of 2008 on the file of Central Crime Station, DD, Hyderabad.

2. Heard learned counsel for the petitioner/A2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that on 07.08.2008, while the de-facto complainant was parked his Tavera Car bearing No.AP-09-TV-0989 at Jubilee Bus Station, Secunderabad, and went for nature calls, the car was found missing and he suspected that some unknown offenders might have stolen his car.

4. Learned counsel for the petitioner/A2 submits that the petitioner has nothing to do with the alleged offence and that based on the confession of A1, his name was implicated in the crime. He further submits that after completion of investigation, the case was registered as C.C.No.97 of 2013, wherein the learned Magistrate took cognizance of the offence under Section 379 IPC against A1 to A3 and the Court issued summons to A2. He further submits that the petitioner came to know about issuance of non-bailable warrants

against him recently and later, he approached the Court concerned and filed an application for bail, but the same was dismissed. He further submits that the petitioner shall furnish sufficient sureties and he shall abide by any condition imposed this Court.

5. Learned Additional Public Prosecutor vehemently opposed the relief sought in the petition and submitted that the crime is of the year 2008 and the case was registered as C.C.No.97 of 2013 and because of non-appearance of the petitioner, the case lingered on for his appearance and hence, the petitioner is not entitled for anticipatory bail.

6. As seen from the material on record, summons were issued to the petitioner and because of his non-appearance, the trial Court issued NBW against him and that recently, at the fag end of 2019, the petitioner came to know about the said NBW and the petition filed for anticipatory bail was rejected by the Court concerned. The offence under Section 379 IPC is not exclusively punishable with death or imprisonment for life. Thus, in view of the nature of allegations leveled against the petitioner and pendency of NBW against him, I am not inclined to grant anticipatory bail to the petitioner and his prayer for anticipatory bail is refused. However, the petitioner/A2 is directed to surrender before the trial Court on 17.01.2020 positively, and make an application for bail, and on such surrender, the trial Court shall recall the NBW pending against the petitioner and release him on bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with

two sureties for a like sum each to the satisfaction of the trial Court. Further, the petitioner/A2 shall appear before the trial Court on each and every date of hearing till conclusion of trial, failing which, liberty granted to him shall automatically stand cancelled and he shall be taken into custody.

7. With the above direction, the Criminal Petition is disposed of.

8. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

7th January, 2020.

sj

G. SRI DEVI, J

