

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 8217 OF 2021

ORDER :

This petition is filed by the State under Section 439(2) Cr.P.C. seeking cancellation of default bail.

2. On 09.11.2021, this Court suspended the order dated 02.11.2021 in CrI.M.P.No. 1213 of 2021 in Crime No. 223 of 2021 passed by the learned Additional Judicial I Class Magistrate –cum- I Additional Junior Civil Judge, Sangareddy.

3. Respondents – Accused 1 to 3 in Crime No. 223 of 2021 on the file of Sangareddy Rural Police Station, registered for the offence punishable under Section 302 read with Section 34 IPC., moved CrI.M.P. No. 1213 of 2021 before the learned Additional Judicial First Class-cum-I Additional Junior Civil Judge, Sangareddy. The learned Judge granted bail to Accused Nos. 1 to 3 on each of them executing a personal bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the said Court and further, they were directed to appear before the Station House Officer, Sangareddy Rural on every Sunday between 10.00 A.M. and 01.00 P.M. till filing of charge sheet.

4. Learned Public Prosecutor appearing on behalf of the State submits that the Court below granted default bail to accused under Section 167(2) Cr.P.C., on the ground that even after lapse of 90 days, prosecution failed to file the charge-sheet. He contends that even as per the order, the accused were remanded to judicial custody on 05.08.2021 and they were granted bail on 02.11.2021. He submits that if the day on which petitioners were

remanded is excluded, it was 89th day and further, the Court below failed to take into consideration the criminal antecedents of Accused No.1, who was also an accused in 11 other cases and while he was on bail in connection with the case registered under Section 307 IPC., he committed this offence. He submits that by the time the order was passed on 09.11.2021, Accused 2 and 3 were already released on bail. According to him, Accused No.1 is convicted in other cases and undergoing imprisonment, PD Act was also invoked. He further submits that there is one case against Accused No.2 in the year 2018 under Sections 395, 448, 441 read with Section 120-B IPC and as far as Accused No.3 is concerned, nothing is stated about the criminal antecedents.

5. As Accused No.1 has criminal antecedents and PD Act was also invoked against him, this Court deems it appropriate to cancel bail granted to him by the order dated 02.11.2021 in CrI.M.P.No. 1213 of 2021 on the file of Additional Judicial I Class Magistrate –cum-I Additional Junior Civil Judge, Sangareddy. As far as Accused Nos. 2 and 3 are concerned, as they have already been released on bail, and except a case of 2018, there are no other criminal antecedents on Accused No.2 and nothing is placed on record as far as Accused No.3 is concerned, this Court is not inclined to cancel bail in respect of both Accused Nos. 2 and 3.

3. The Criminal Petition is accordingly, allowed insofar as Accused No.1 is concerned and dismissed as far as Accused Nos.2 and 3 are concerned.

LALITHA KANNEGANTI, J

