

THE HON'BLE SRI JUSTICE K.SURENDER

IA.No.1 OF 2022 IN CrI.P.No.772 of 2021 and

CRIMINAL PETITION NO.1671 OF 2022

COMMON ORDER:

The petitioners in CrI.P.No.772 of 2021 moved this Court seeking relief of Anticipatory bail. This Court after considering the facts has passed detailed order on 02.03.2021 and granted relief as sought for on the following terms and conditions;

- i) The petitioners are directed to surrender before the Assistant Director, Directorate of Enforcement, Government of India, Hyderabad, within a period of fifteen days from today, and on such surrender, they shall be released on bail on their executing personal bond to the tune of Rs.5,00,000/-(rupees Five Lakhs only) each with two sureties each to the like amount to his satisfaction.
- ii) The petitioner shall personally appear before the respondent authorities on every Saturday between 12.00 Noon and 5.00 p.m., till completion of the investigation.
- iii) The petitioners shall surrender their passport, before the concerned Court at the time of execution of bonds and they shall not leave the territory of India without prior permission of the Court. If the petitioners have no passport or they have already submitted the same in any case, they shall file an affidavit to that effect.
- iv) The petitioners shall not directly or indirectly influence or make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

- v) The petitioner shall not act in any manner which will be prejudicial to fair and expeditious investigation.
- vi) The petitioners shall also comply with the other conditions as laid down under Section 438(2) of the Cr.P.C.

However, the petitioners failed to comply with any of the conditions imposed in the order dt.02.03.2021 and moved IA.No.1 of 2021 in CrI.P.No.772 of 2021 seeking extension of time for surrender. Accordingly, this Court by order dt.19.07.2021 passed the following order:

“Heard both sides.

In view of the reasons stated in the affidavit filed in support of the application, 10 days time is extended from today to petitioners/ A1 and A3 to surrender before the Assistant Director, Directorate of Enforcement, Government of India, Hyderabad, as per the order dt.02.03.2021 in CrI.P.No.772 of 2021, failing which, the police shall take coercive steps against the petitioners in accordance with law. No further extension will be granted. Accordingly, IA is ordered.”

Learned Counsel for petitioners in CrI.P.No.772 of 2021 submits that there are several reasons including the petitioners being infected with Covid-19 for which reason they were unable to comply with the conditions imposed by this Court by order dt.02.03.2021 and further when extension of time was granted on 19.07.2021.

This Court while granting extension of 10 days vide order dt.19.07.2021, specifically stated that the Directorate of Enforcement shall take coercive steps against the petitioners in accordance with law and on their failure to surrender before the Directorate of Enforcement within ten days from the date of order which is 19.07.2021, it was specifically stated that no further extension will be granted.

Learned Counsel for petitioners/accused submits that they have approached the Directorate of Enforcement on 12.03.2022 and also on 14.03.2022 for complying with the Court orders, however, the Directorate of Enforcement failed to take the sureties submitted by these petitioners/accused on the ground that the application seeking cancellation of bail granted by order dt.02.03.2021 was pending vide CrI.P.No.1671 of 2022.

Learned Counsel for Directorate of Enforcement submits that they have filed CrI.P.No.1671 of 2022 on 10.02.2022 seeking cancellation of order dt.02.03.2021.

As seen from the orders, the reliefs granted to the petitioners in both the applications are in force for the period mentioned in the said orders. On completion of the time mentioned in the order for surrender which is 15 days in the order dt.02.03.2021 and 10 days in the order dt.19.07.2021, the protection given to the petitioners ceased to exist. When the protection granted ceased to exist, the question of the

Directorate of Enforcement seeking cancellation of Anticipatory Bail does not arise.

The Directorate of Enforcement were either ill-advised or under the misconception of fact and law and filed the present application seeking cancellation of bail on 10.02.2022 on which date the protection of Anticipatory Bail did not exist.

This Court by order dt.19.07.2021 specifically directed that no further extension will be granted if the petitioners failed to surrender within ten days before the Directorate of Enforcement and further directed that the Directorate of Enforcement shall take coercive steps against the petitioners, in accordance with law. However, no action is taken by the Directorate of Enforcement against the petitioners as directed in the order dt.19.07.2021. For the reasons of there being no relief/protection subsisting after the expiry of 10 days, the application seeking cancellation of anticipatory bail is not maintainable. Accordingly, the petition filed seeking cancellation of bail is dismissed.

When this Court had specifically stated that no further extension would be granted by order dt.19.07.2021, question of further extending the time does not arise. For the said reason, the application seeking extension of time in IA.No.1 of 2022 in CrI.P.772 of 2021 is also dismissed.

Miscellaneous application, if any pending, shall stand closed.

18.04.2022
tk

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

IA.No.1 OF 2022 IN CrI.P.No.772 of 2021 and
CRIMINAL PETITION NO.1671 OF 2022

Dt.18.04.2022

tk