

HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO. 2527 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Accused No.3 on bail in connection with S.C.I.E.No.1/2018 in Crime No.29 of 2013 on the file of Special Sessions Judge for trial of cases under Electricity Act-cum-I Additional Sessions Judge at Khammam registered for the offence punishable under Section 304 (Part-II) of IPC.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The petitioner is arrayed as accused No.3 in S.C.I.E.No.1/2018 in Crime No.29 of 2013 pending before the Special Sessions Judge for trial of cases under Electricity Act-cum-I Additional Sessions Judge at Khammam. The petitioner has been appearing in the Trial Court. However, due to non-appearance of the petitioner on 05.01.2022, though the trial was scheduled to commence, petitioner failed to appear and there was no representation on behalf of the

petitioner/accused No.3, as such, the learned Sessions Judge issued warrant. The petitioner moved for recalling warrant and by order dated 31.01.2022, the application for recalling warrants was dismissed.

4. Para No.7 of the order dated 31.01.2022 in Crl.M.P.No.67 of 2022 in Crime No.29 of 2013 would be relevant for deciding the present petition.

"7. The accused No.3 attended the adjournment on 07.12.2021, from which date the case was posted to 24.12.2021 and on the said date, the petitioner/accused No.3 was absent and the petition filed under Section 317 Cr.P.C. was allowed and posted to 05.01.2022. The petitioner/Accused No.3 was absent on 05.01.2022 on which date trial was scheduled to be commenced and there was no representation on behalf of the petitioner/accused No.3. As such, the contention of the learned counsel for the petitioner/accused No.3 that the petitioner has no knowledge of the date of appearance has no force..."

5. As seen from the above said order, the petitioner was appearing on the dates posted for appearance. However, on 05.01.2022, the petitioner failed to appear and there was no representation. The petitioner appeared before the trial Court on 31.01.2022 and sought recalling of the warrant issued on

05.01.2022 but the same was dismissed for the reasons stated above.

6. Since the petitioner was not absconding and also appeared before the trial Court on all dates of hearing, this Court is inclined to grant bail to the petitioner/accused No.3 on certain terms and conditions:

i) The petitioner/Accused No.3 is directed to be released on bail on his executing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a likesum each to the satisfaction of Special Sessions Judge for trial of cases under Electricity Act-cum-I Additional Sessions Judge at Khammam.

ii) The petitioner shall cooperate with the trial and appear before the Trial Court on all dates of hearing.

7. Accordingly, the Criminal Petition is allowed.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date :28.03.2022
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