

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.8697 of 2022

ORDER:

Heard Sri G. Ravi Chandra Sekhar, learned counsel for the petitioner, as well as learned Assistant Public Prosecutor, who is representing the respondent – State.

2. Seeking the Court to grant pre-arrest bail, the present application is moved by the petitioner, who is arrayed as Accused No.1 in Crime No.308 of 2022 of Khammam II Town Police Station, Khammam District.

3. Learned counsel for the petitioner submits that the petitioner has filed a criminal petition vide CrI.P.No.7379 of 2022 for grant of anticipatory bail and the said application was allowed by this Court vide order dated 25.08.2022, wherein a direction was issued to the petitioner to surrender. But, as another crime was registered against the petitioner, she did not surrender and thereafter, the petitioner moved the present application for grant of anticipatory bail.

4. The operative portion of the order that is rendered by this Court (by Sri Justice K. Surender) in Crl.P.No.7379 of 2022, dated 25.08.2022 is as under:

“In the background of the said allegations against this petitioner, this Court is not inclined to grant anticipatory bail to this petitioner. Accordingly, the Criminal Petition is dismissed. However, the petitioner/Accused No.1 if so advised to move the concerned Court by surrendering herself within one week days from the date of receipt of a copy of this order and file bail application with due service to the Public Prosecutor. On such surrender, the concerned Court shall dispose of the bail application on merits on the same day or the next day after giving opportunity of hearing to the Public Prosecutor.”

5. The submission of learned counsel for the petitioner is that the petitioner did not surrender as another case was registered against her.

6. The submission of learned Assistant Public Prosecutor is that the petitioner and her husband have mis-appropriated more than Rs.4-00 Crores and, hence, the request of the petitioner cannot be honoured.

7. The reason shown for non-obliging the order of this Court in Crl.P.No.7379 of 2022, dated 25.08.2022 is not convincing. However, that may not be the sole ground for rejecting the request

made by the petitioner through this application altogether. Therefore, this Court considers it desirable to pass appropriate orders. It is, however, made clear that this Court is not inclined to grant pre-arrest bail to the petitioner, as prayed for.

8. The Criminal Petition is disposed of with the following directions:

- (i) The petitioner is directed to surrender before the Court concerned within ten (10) days from today and move an application for grant of bail.
- (ii) On moving such application, the same shall be disposed of basing on its own merits by giving an opportunity for the Public Prosecutor to submit his contentions.
- (iii) The bail application has to be disposed of within a period of two (2) working days.
- (iv) The petitioner, who has moved an earlier application before this Court and moved the present application and thereby invited further orders unnecessarily, is permitted to surrender and move an application for

bail only on payment of costs of Rs.25,000/- (Rupees twenty five thousand only) in favour of Indian Army Welfare Fund.

- (v) The Court concerned is directed not to entertain any bail application moved by the petitioner without production of receipt of payment to that effect.

Dr. JUSTICE CHILLAKUR SUMALATHA

06.10.2022.
Msr

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