

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10213 of 2022

ORDER:

Heard Sri D.Suryanarayana, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent.

Seeking the Court to enlarge the petitioner, who is arrayed as accused No.2 in S.C.No.135 of 2017 on the file of the Court of Metropolitan Sessions Judge, Cyberabad, Medchal-Malkajiri District, on bail, the present Criminal Petition is filed.

2. Learned counsel for the petitioner states that the petitioner, after his arrest and remand to judicial custody, was enlarged on bail in the year 2017 by the Court of Metropolitan Sessions Judge, Cyberabad and thereafter, he was regularly attending the Court. Learned counsel states that the petitioner thereafter could not attend the Court due to ill-health of his wife and subsequent pandemic and the trial Court issued non-bailable warrant against him. Learned counsel states that on 13.5.2022, the petitioner appeared before the Court and moved an application for recall of non-

bailable warrant, but the trial Court dismissed the said application and remanded him to judicial custody and since then, he is in judicial custody. Learned counsel also states that though the petitioner moved bail applications twice before the trial Court, those applications were dismissed and therefore, the petitioner is before this Court for grant of bail. Learned counsel states that the petitioner would abide by any of the terms and conditions imposed.

3. The submission of the learned Additional Public Prosecutor is that the petitioner remained absent for a longer period of more than three years and hence, his request for recall of non-bailable warrant was not honoured by the trial Court and he was remanded to judicial custody.

Though the absence of the petitioner is longer, the grounds projected appears convincing. Hence, this Court is of the view that a fair opportunity has to be afforded to the petitioner so that he would appear before the trial Court and the trial can go on. The above opinion is also due to the fact that the petitioner himself appeared before the trial Court and sought for recall of non-bailable warrant issued against him. Hence, this Court is of the view that the request of the

petitioner for grant of bail can be honoured, however conditionally.

5. Resultantly, this Criminal Petition is allowed with the following conditions:-

(i) The petitioner/accused No.2 shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

(ii) In case, the petitioner/accused No.2 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.2 shall not leave India without previous permission of the court concerned.

(iv) The petitioner/accused No.2 is directed not to leave the limits of Medchal-Malkajgiri District till conclusion of the trial proceedings.

Any deviation of the above conditions would entitle the concerned Court to take appropriate steps for cancellation of the bail granted.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

24.11.2022
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