

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10233 of 2022

ORDER:

1. Heard Sri P.Lakshma Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the respondent.
2. Seeking for pre-arrest bail, the petitioner, who is arrayed as Accused No.3 in C.C.No.93 of 2019, on the file of the Court of Judicial Magistrate of First Class, Bellampally, is before this Court.
3. Learned counsel for the petitioner states that the petitioner has not committed any offences whatsoever as narrated in the charge sheet. Learned counsel also states that the petitioner moved an application for grant of anticipatory bail and anticipatory bail was granted in his favour by this Court. But, due to ill-health, the petitioner could not surrender before the Court concerned as directed and after recovery, the petitioner, therefore, is before this Court seeking for anticipatory bail. The order that is

referred to by the learned counsel for the petitioner is the one that is rendered in Crl.P.No.1894 of 2020, dated 24.04.2020. Through the said order, this Court directed the petitioner to surrender before the Court of Judicial Magistrate of First Class, Bellampally, within fifteen days. However, learned counsel states that the petitioner could not surrender due to ill-health. The petitioner relies upon the Medical Certificate issued by the Medical Officer, Government General Hospital, Guntur. A perusal of the said certificate reveals that the petitioner was advised rest at home from 07.08.2020 to 18.10.2022. Thus, it is clear that the petitioner was hale and healthy in the months of May, June and July 2020. However, he did not surrender as directed. Learned counsel states that during that time, there was complete lockdown and the said fact may also be taken into consideration. However, it is clear that the petitioner did not move an application for extension of time to surrender.

4. Having considered all these factors and taking into consideration the ground urged, this Court considers

desirable to honour the request of the petitioner, however, conditionally.

5. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.3 is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for 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.3 holds a passport, he shall surrender the same if the same is not seized till now.
- (iii) The petitioner/Accused No.3 shall not leave India without previous permission of the Court concerned.
- (iv) As the petitioner, by moving this Court twice for grant of anticipatory bail and by stalling the proceedings

before the trial Court, has wasted the time of both the Courts, the petitioner is directed to pay costs of Rs.20,000/- (Rupees twenty thousand only) to Sainik Welfare Fund and only on producing sufficient proof with regard to the payment of costs, the surrender of the petitioner shall be accepted by the Court concerned.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 24.11.2022
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CRIMINAL PETITION No.10233 of 2022

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CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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