

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2601 of 2023

ORDER:

1. This Criminal Petition under Section 439(2) Cr.P.C. is filed seeking the Court to cancel the order of anticipatory bail that was granted by this Court in favour of the respondent through orders in Criminal Petition No.6047 of 2022 dated 21.07.2022.

2. Heard the learned Additional Public Prosecutor who is representing the petitioner/State.

3. Despite of service of notice upon the Respondent/Accused No.1, none appears.

4. Stating that the anticipatory bail that was granted in favour of the petitioner, who is arrayed as Accused No.1 in Crime No.126 of 2022 of Husnabad Police Station, has to be cancelled, learned Additional Public Prosecutor submits that the petitioner is a habitual offender. Learned Additional Public Prosecutor states that while granting anticipatory bail in favour of the petitioner through impugned order i.e. order in Criminal Petition No.6047 of 2022, dated 21.07.2022, this Court laid a condition that the petitioner shall not indulge in

any unlawful activity. Learned Additional Public Prosecutor also states that through the said order, liberty was granted to police to seek for cancellation of bail in case the petitioner indulges in any unlawful activity. Learned Additional Public Prosecutor submits that after getting an order of anticipatory bail, the petitioner again started his illegal activities. Learned Additional Public Prosecutor states that a case in Crime No.170 of 2022 of Akkannapet Police Station was registered against the petitioner that he committed offences punishable under Sections 290, 341 and 355 IPC. Learned Additional Public Prosecutor also states that another case in Crime No.32 of 2023 was registered against the petitioner that he attempted to commit breach of law and order situation. Learned Additional Public Prosecutor states that time and again, the petitioner is gathering public and is attempting to breach law and order situation in the area. Learned Additional Public Prosecutor also states that the petitioner is intending to stop the Gouravelli project work by creating nuisance and disturbing law and order. Learned Additional Public Prosecutor also states that when the petitioner, along with others, attempted to commit a cognizable offence, he was stopped as a preventive measure and was taken into custody

and thereafter, released. Learned Additional Public Prosecutor also brought to the notice of this Court the criminal antecedents of the petitioner. Learned Additional Public Prosecutor has stated that the petitioner is involved in following offences:-

- “1. Crime No.81/2018, U/s.341, 353 r/w 34 IPC of Akkannapet P.S.*
- 2. Crime No.111/2019, U/s.341, 353 r/w 34 IPC of Akkannapet P.S.*
- 3. Crime No.113/2020, U/s.353 r/w 149 IPC of Akkannapet P.S.*
- 4. Crime No.150/2021, U/s.332 r/w 34 IPC of Akkannapet P.S.*
- 5. Crime No.5/2022, U/s.188 IPC, 51(b) of DM Act, Section 3 of E.D.Act of Akkannapet P.S.*
- 6. Crime No.72/2022, U/s.332 r/w 34 IPC of Akkannapet P.S.”*

5. Learned Additional Public Prosecutor finally stated that as the petitioner has breached the condition laid down i.e., that he should not indulge in any unlawful activity and as two criminal cases are registered after getting an order of anticipatory bail and as they are brought to the notice of this Court, the relief granted has to be withdrawn. Learned Additional Public Prosecutor also states that in this case, Police personnel received grievous injuries in the hands of the petitioner.

6. The contents of the material produced reveals justification in the submissions made by the learned Additional Public Prosecutor. When anticipatory bail was granted in favour of the petitioner on 21.07.2022, two cases i.e., a case in Crime No.170 of 2022 of Akkannapet Police Station was registered against the petitioner on 23.12.2022 and a case in Crime No.32 of 2023 was registered against the petitioner on 04.03.2023.

7. Having considered these aspects, as the genuineness in the material produced remains unopposed and having considered the fact that the State has clearly brought to the notice of this Court that the condition imposed through the impugned order was breached, this Court is of the view that the relief granted through the impugned order has to be recalled.

8. Resultantly, the Criminal petition is allowed. Anticipatory bail granted in favour of the Respondent/Accused No.1, through orders in Criminal Petition No.6047 of 2022, dated 21.07.2022, is cancelled. The petitioner is directed to surrender before the concerned Court within ten days. In case of failure of such surrender, Police

are at liberty to take the petitioner into custody by following due formalities as required under law.

9. Miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:17.04.2023
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