

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12769 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioners/Accused Nos.4 and 5 seeking bail in the event of their arrest in connection with Crime No.69 of 2005 on the file of SHO, Balmoor Police Station, Nagarkurnool District, registered for the offences under Sections 363 and 302 of IPC and Section 25(1)(A), 27 IA Act.
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The crime was registered in the year 2005 *vide* Crime No.69 of 2005 on the ground that CPI Maoists abducted the deceased *viz.*, U.Govind who is a forest tiger tracker and shot him dead, branding him as a police informer. The police have filed charge sheet on 28.06.2023 against accused No.1 and these two petitioners on the ground that they were complicit of causing death of the deceased.
4. Since the petitioners were absconding, the learned Magistrate committed only accused No.2, who appeared before

the Court on 17.10.2023 and while committing accused No.2 to the Sessions Court to face trial, the learned Magistrate directed the police to file separate charge sheet against these petitioners.

6. Learned counsel appearing for the petitioners would submit that the petitioners intend to face trial by approaching the Sessions Court. However, they apprehend arrest on the ground that warrants are pending.

7. In the present facts of the case, since the police filed charge sheet after a period of 18 years, this Court deems it appropriate to direct the petitioners to appear before the Court of Junior Civil Judge, Achampet on 11.01.2024 and file an application under Section 70(2) of Cr.P.C. Upon such application being made, learned Junior Civil Judge, Achampet shall recall the warrants pending, subject to the petitioners executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for a like sum each to his satisfaction. Thereafter the magistrate shall commit the case of the petitioners to the Sessions Court along with accused No.2 and no separate charge sheet need to be filed as directed by the Magistrate. If the petitioners fail to appear on 11.01.2024 before the trial Court, this order stands cancelled.

8. Accordingly, the Criminal Petition is disposed off. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 08.01.2024
Note: Issue C.C by today.
b/o.
dgr/plp

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Dt.08.01.2024

dgr/plp