

(2010) 02 AP CK 0003

In the Andhra Pradesh High Court

Case No : Criminal Revision Case No. 94 of 2010

Lankalapalli Malleswara Rao @ Malli, Lankalapalli Sateesh
Kumar @ Sateesh Rao, Payala Venkata Durga Rao, @ Raju
and Lanka Durga Rao @ LDR

APPELLANT

Vs

The State of Andhra Pradesh

RESPONDENT

Date of Decision : 02-02-2010

Acts Referred:

Citation : (2010) 1 ALD(Cri) 435 : (2010) 1 ALT(Cri) 376 : (1963) 1 AnWR 359

Hon'ble Judges : B. Chandra Kumar, J

Bench : Single Bench

Advocate : K. Suresh Reddy, for the Appellant; Additional Public Prosecutor, for the Respondent

Judgement

B. Chandra Kumar, J.

1. This Criminal Revision Case is directed against the orders dated 22.01.2010 passed by the Metropolitan Sessions Judge, Vijayawada, in CrI. M.P. No. 38 of 2010 in CrI. M.P. Nos. 1447 and 1448 of 2009 in Crime No. 601 of 2009 of Law and Order, I-Town Police Station, Vijayawada.

2. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor.

3. The learned Metropolitan Sessions Judge, Vijayawada, granted bail to the petitioners on 31.12.2009 vide CrI. M.P. Nos. 1447 and 1448 of 2009 and while granting bail a condition was imposed directing the petitioners/A1 to A4 to appear before the Station House Officer, Law and Order, I-Town Police Station, Vijayawada, on every day between 9.00 AM and 11.00 AM until further orders.

4. The State, represented by the Inspector of Police, I-Town Police Station, Vijayawada, filed CrI. M.P. No. 38 of 2010 for cancellation of the said bail alleging that the petitioners did not report before the Station House Officer, I-Town Police Station and failed to comply with the conditions imposed by the Court.

5. A counter was filed by the petitioners herein stating that though they were released from the District Jail, Vijayawada on 31.12.2009 at 8.00 PM they were kept in the premises of the I-Town Police Station till 3.00 PM on 01.01.2010 as the constables have taken them to the police station, and that on 02.01.2010 as they have to appear before the Court they went to the police station, waited for sometime and went to the Court. It is further stated that from 03.01.2010 to 05.01.2010 though they went to the police station their signatures were not taken.

6. Learned Counsel for the petitioners submitted that the petitioners had appeared before the police from 06.01.2010 to 22.01.2010 and their signatures were taken in the register and that the impugned order was passed on 22.01.2010. He further submitted that though the petitioners went to the police station till 05.01.2010 their signatures were not taken. However, the learned Sessions Judge observed that if at all the petitioners are not permitted to sign in the book maintained by the police, they would have reported the matter to the Court concerned and holding that the petitioners have violated the terms and conditions of the bail, their bail was cancelled.

7. Cancellation of bail is a serious matter. Of course, the Court has power to cancel the bail, but it should be exercised sparingly and when the same is absolutely necessary, particularly in cases where it is alleged that the petitioners have misused their bail, threatened the witnesses, tampered with the evidence or hampered the investigation or stalled the further proceedings of the Court. The bail may be cancelled if they commit similar offence or any other offence. It must be proved that the accused have misused the liberty granted to them. In such circumstances, if the allegations are proved, the Court may cancel the bail. In the instant case, admittedly, the petitioners have signed in the register maintained by the police from 06.01.2010 to 22.01.2010. The contention of the learned Counsel for the petitioners may be correct or may not be correct, but it appears that when the petitioners have regularly reported before the police station from 06.01.2010 to 22.01.2010 their contention that they have reported before the police from 01.01.2010 to 05.01.2010 cannot lightly be brushed aside. It appears that there may be some misunderstanding between the petitioners and the police which might have resulted in not taking their signatures in the attendance register maintained by the police. In view of the same, I consider it just and reasonable to set aside the impugned order.

8. Accordingly, the Criminal Revision Case is allowed and the impugned order is set aside.