
(2012) 09 AP CK 0034

In the Andhra Pradesh High Court

Case No : Criminal Petition No. 6713 of 2012

State of Andhra Pradesh

APPELLANT

Vs

K. Raghu Rama Krishna Raju

RESPONDENT

Date of Decision : 11-09-2012

Acts Referred:

Constitution of India, 1950 — Article 20, 226

Criminal Procedure Code, 1973 (CrPC) — Section 438

Citation : (2012) 3 ALT(Cri) 81

Hon'ble Judges : Samudrala Govindarajulu, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Samudrala Govindarajulu, J.—The Public Prosecutor seeks cancellation of anticipatory bail granted by the IV Additional Metropolitan Sessions Judge, Hyderabad in CrI. M.P. No. 2832 of 2012 in Crime No. 128 of 2012 by order dated 18.08.2012 to the respondent/A1. This crime relates to procuring of cell phone call list by A1 and enclosing the same to his writ petition filed in the High Court. The call list relates to cell phone having BSNL connectivity of V.V. Lakshminarayana/defacto complainant who is working as Joint Director in C.B.I., Hyderabad and who is in-charge of investigation along with his team of officers in several major offences including Obulapuram Mining case, EMMAR Properties case and Y.S. Jagan Mohan Reddy's case. Though the de facto complainant was in-charge of the investigation in several major cases, it is alleged that A1 wanted to demoralize the de facto complainant and to offend the fundamental right of personal liberty enshrined under Article 20 of the Constitution of India. No doubt, the lower Court should not have taken inconsistent stands and should not have passed inconsistent orders in the anticipatory bail application of A1 and the anticipatory bail applications of A2 and A3 on the same day. While granting anticipatory bail to A1, the lower Court dismissed anticipatory bail applications of A2 and A3 in this crime. Subsequently when A2 and A3 approached this Court for anticipatory bail u/s 438 Cr.P.C., this Court by common order dated 30.08.2012

in Criminal Petition Nos. 6366 and 6396 of 2012 granted anticipatory bail to A2 and A3 also. Therefore, the inconsistency of the lower Court was rectified by this Court by way of the above order. In view of the views expressed by this Court in the above order, I am of the opinion that nothing survives in this petition for cancellation of anticipatory bail filed by the prosecution for A1 granted by the lower Court.

2. The Public Prosecutor tried to point out conduct on the part of A1 prior to and after the anticipatory bail order passed by the lower Court. The respondent A1 has been complying with the conditions imposed by the lower Court in the impugned order. The Public Prosecutor pointed out that A1 was in Singapore at the time of passing the bail order. Even as per the prosecution, A1 was scheduled to return to India on 15.08.2012, but could only come back to India on 24.08.2012. It was so because the investigating agency was preventing A1 to catch a flight to India on 15.08.2012 because of lookout notices issued against A1. Inspire of the anticipatory bail order dated 18.08.2012, the investigating agency did not choose to withdraw previous lookout notices against A1. Ultimately a representative of A1 had to file a writ petition in this Court for directions for cancellation of lookout notices against A1. After this Court in the writ petition passed interim suspension order, A1 returned to India on 24.08.2012. Since this is not the appropriate stage and appropriate proceeding, I do not deem it necessary to express any opinion about conduct of the investigating agency in not withdrawing lookout notices against A1 in spite of the lower Court passing anticipatory bail order on 18.08.2012 and not moving their little finger till this Court under Article 226 of the Constitution of India passed interim suspension order on the lookout notices against A1. Be that as it may, this Court is of the opinion that in view of findings and observations of this Court in anticipatory bail order dated 30.08.2012 in Criminal Petition Nos. 6366 of 2012 and 6396 of 2012 passed relating to A2 and A3, this petition for cancellation of bail for A1 may not survive. Before parting with this Criminal Petition, I would like to observe that the police may prosecute persons and cannot indulge in persecuting persons. Hence, the Criminal Petition is dismissed.