

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5595 OF 2024

ORDER:

This Criminal Petition is filed, under Section 438 of the Criminal Procedure Code (for short, 'Cr.P.C.'), seeking grant of anticipatory bail to the petitioner/accused No.1, in connection with C.C.No.1859 of 2024 on the file of learned XIII Additional Chief Metropolitan Magistrate, Hyderabad (for short, 'the trial Court').

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondent-State and perused the material available on record.

3. Learned counsel for the petitioner submitted that charge sheet was filed showing the petitioner as accused No.1. On the date of registration of subject crime, the petitioner was in USA and the family members of the petitioner i.e., accused Nos.2 to 6, attended the Police Station and received notices under Section 41-A Cr.P.C. and the petitioner received the notice under Section 41-A Cr.P.C. through *e-mail* and requested the police through his

family members to give sometime to appear, so that he can book slot for visa. As the situation in USA was not congenial and the employer of the petitioner was not granting leave, the petitioner could not come to India. It is further submitted that the petitioner is ready to co-operate with the trial and the other accused have been regularly appearing before the trial Court.

4. Taking into consideration the fact that the petitioner is a resident of USA and the subject crime was registered when he was residing in USA and that his family members are responding to the notices issued under Section 41-A Cr.P.C., this Court is inclined to dispose of the Criminal Petition with certain directions.

5. In view of the above, the Criminal Petition is disposed of directing the petitioner to appear before the trial Court by filing an application for recall of Non-Bailable Warrant/s under Section 70(2) Cr.P.C. and on appearance of the petitioner, the Non-Bailable Warrant/s issued against him shall be recalled and the trial Court shall impose necessary conditions in order to ensure the appearance of the petitioner. The petitioner shall co-operate with the trial and

enquiry in C.C.No.1859 of 2024 on the file of learned XIII
Additional Chief Metropolitan Magistrate, Hyderabad.

As a sequel, miscellaneous applications, if any, pending
shall stand closed.

B. VIJAYSEN REDDY, J

May 30, 2024

**Note: Issue C.C. by tomorrow.
RRK/MD**