

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO
Crl.P.No.5225 of 2016

ORDER:

In this petition filed under Section 438 Cr.P.C., the petitioners/A1 seeks Anticipatory Bail.

2) Prosecution case is that all the accused colluded together and A1 impersonated himself as one Amancharla Venkata Subba Rao of Nellore who died on 13.11.2013 and transferred his property in the name of accused No.2. The police Duvvada PS registered FIR No.70 of 2015 basing on the report given by the son-in-law of deceased A.Venkata Subba Rao for the offences under Sections 419, 420 r/w 34 IPC. It was informed by the learned Public Prosecutor that on point of jurisdiction, FIR was transferred to Gajuwaka PS, Visakhapatnam and re-numbered as FIR No.90 of 2016 and investigation is under progress.

3) Heard.

4) Seeking anticipatory bail, learned counsel for petitioner/A1 would submit that petitioner has not committed any act of impersonation and the petitioner/A1 is an old man of 74 years and in this case the second accused was already granted anticipatory bail by this Court in Crl.P.No.1338 of 2016 and as the petitioner stands on the same footing he may also be granted anticipatory bail and he will abide by the directions of the Court and cooperate with the investigating agency for smooth completion of investigation.

5) Learned Public Prosecutor opposed the petition.

6) It is informed to the Court that investigation is in progress and so far five witnesses were examined. The material papers filed by learned counsel for petitioner shows that in Crl.P.No.1338 of 2016 the High Court granted anticipatory bail to accused No.2 on 10.02.2016 considering that she is 50 years old.

7) Sofaras petitioner/A1 is concerned, he is stated to be 74 years old and hence he stands on the same footing. Further, investigation has made progress and five witnesses were already examined. In these circumstances, anticipatory bail can be granted to the petitioner/A1 by imposing suitable conditions.

8) Accordingly, this petition is allowed and petitioner/A1 is directed to surrender before the Magistrate concerned on or before 09.05.2016 and on such surrender, he shall be enlarged on bail on his furnishing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties each for the like sum to the satisfaction of concerned Magistrate. Further, the petitioner is directed to cooperate with the investigating agency for smooth completion of investigation and he shall appear before the SHO concerned as and when required for investigation. He shall not meddle with the process of investigation.

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

U.DURGA PRASAD RAO, J

Dt: 27.04.2016

Murthy