

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
MONDAY, THE TWENTY SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN**

:PRESENT:
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRL. P. NO:11295 of 2017

Between:

- 1 R. Ramanujam S/o. Rangaiah, (Senior Citizen) Occ: Ex-Tailor,
(wrongly mentioned in FIR as Anjaneyulu- the Accused No.1)
- 2 R. Ranga Rao S/o. R.Ramanujam, Occ: Plumber,
- 3 R. Raju S/o. R. Ramanujam, Occ: Driver,
(All R/o.H.No.10-5-425/3, Tukaram Gate, Lalaguda, Secunderabad)

..... Petitioners/Accused 1 to 3

AND

State of Telangana, rep. by SHO, PS Tukaram Gate, Rep. through P.P., High Court at Hyderabad.

.....Respondent

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to enlarge the petitioners the anticipatory bail in the event of arresting the petitioners by the police in Crime No. 187 of 2017 on the file of Station House Officer, Tukaram Gate, Secunderabad.

Counsel for the Petitioners : SRI KAATRAPATI SATYANARAYANA

Counsel for the Respondent : PUBLIC PROSECUTOR (TS)

The Court made the following ORDER:

“This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-A1 to A3 for the offences alleged under Sections 354 and 506 IPC and 3 (1) (s) of SCs & STs (POA) Act, 2015.

2. Heard learned counsel for the petitioners-A1 to A3, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A1 to A3 would submit that the petitioners-A1 to A3 are innocent persons and they are falsely implicated in this case. No alleged incident took place and ultimately, prayed to allow the petition.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A1 to A3.

5. In the course of hearing, it is brought to the notice of this Court that some time back, the de facto complainant made a similar report to the police. The police dropped the proceedings in the Police Station itself stating that the allegations are relating to civil dispute.

6. As per the material placed on record in the instant case, on 01.04.2013, the petitioner-A1 said to have entered into an agreement of sale of house No.10-5-425/3, which is in his wife's name, to sell the same to the de facto complainant for a sum of Rs.20,00,000/- and received an amount of Rs.5,00,000/- towards advance sale consideration. Thereafter, the de facto complainant approached the petitioner-A1 with balance of sale consideration. The petitioner-A1 did not receive the balance of sale consideration and register proper conveyance in favour of the de facto complainant. In the course of that transaction, this offence alleged to have been taken place under Section 3 (1) (s) of SCs & STs (POA) Act, 2015.

7. It is evident from the record that there is a civil dispute between the parties with regard to the sale and purchase of house No.10-5-425/3. The veracity of the subject allegations under Section 3 (1) (s) of SCs & STs (POA) Act, 2015 cannot be taken as true on the face of the record. The matter requires thorough investigation.

8. Under these circumstances, the petitioners-A1 to A3 can be granted bail under Section 438 Cr.P.C.

9. In the result, the Criminal Petition is allowed directing the petitioners-A1 to A3 to surrender before the Station House Officer, Tukaramgate Police Station, Hyderabad City, within 15 days from the date of this order. On such surrender, the said S.H.O. shall release the petitioners-A1 to A3 on bail, on each of them executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each in a like sum to his satisfaction. On release, the petitioners-A1 to A3 shall abide by the conditions mentioned under Section 438 (2) Cr.P.C. The petitioners-A1 to A3 shall attend before the S.H.O., concerned on every Sunday between 10.00 A.M. and 11.00 A.M. till filing of charge sheet."

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The XXII Addl. Chief Metropolitan Magistrate, Secunderabad.
2. The Station House Officer, Tukaramgate Police Station, Secunderabad..
3. Two CCs to Public Prosecutor, (TS), High Court of Judicature, at Hyderabad (OUT)
4. One CC to Sri Kaatrapati Satyanarayana, Advocate (OPUC)
5. One Spare Copy

AB
DRAFTED ON 28-11-2017

HIGH COURT

DR.SA,J

DATE: 27-11-2017



ORDER

CRL.P. NO. 11295 OF 2017

DIRECTION