

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

TUESDAY, THE FIFTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

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

CRL.P .No. 11368 of 2017

Between:

- 1 Yerra Mallaiah, S/o. Y. Ramaiah,
aged about 54 years, Occ: Employee,
Residing at Peddashapur Village,
Shamshabad Mandal, Ranga Reddy District.
- 2 Janampet Narasimha, S/o. Chennaiah,
aged about 52 years, Occ: Agriculturist,
residing at Peddashapur Village,
Shamshabad Mandal, Rangareddy District.
- 3 Chekka Harikrishna, S/o. Narayana,
aged about 38 years, Occ: Agriculturist,
residing at Peddashapur Village,
Shamshabad Mandal, Rangareddy District.
- 4 Boddam Ganesh, S/o. Narasimha,
aged about 52 years, Occ: Agriculturist,
residing at Peddashapur Village,
Shamshabad Mandal, Rangareddy District.

..... Petitioners/
A-1 to 4

AND

State of Telangana through SHO of Shamshabad P.S., Cyberabad, R.R. District,
rep. by its Public Prosecutor, High Court at Hyderabad.

.....Respondent/
Complainant

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to grant anticipatory bail to the petitioners herein in the event of their arrest by the respondent police relating to the FIR in Crime No. 466 of 2017 of Shamshabad P.S., Cyberabad, R.R. District.

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri V. Eswaraiah Chowdary, Advocate for the petitioners/accused Nos.1 to 4 and of the learned Additional Public Prosecutor (TG) for the Respondent-State, the Court made the following

ORDER:

“This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 to 4, for grant of anticipatory bail in the event of their arrest in Crime No.466 of 2017 on the file of the Shamshabad Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 447, 427 of I.P.C., Section 3 of the Prevention of Damage to Public Property Act, 1984, and Section 3 of the Explosives Substances Act, 1908.

2. Heard the learned counsel for the petitioners/accused Nos.1 to 4, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The main allegation against the petitioners/accused Nos.1 to 4 is that they are blasting the stones using gelatine sticks etc., in the Government land. The petitioners/accused Nos.1 to 4 have filed the Patta Certificate, wherein, the land in survey No.244 of Peddashapur village of Shamshabad Mandal was assigned to petitioners/A1 & A2. The petitioners/accused Nos.1 to 4 have also produced the photographs, wherein, it appears that a small stone has been blasted. Under these circumstances, it cannot be said that the petitioners/accused Nos.1 to 4 have trespassed into the Government land. Further, whether the petitioners/accused Nos.1 to 4 used the gelatine sticks for blasting/cutting the small stones or not could be determined only after due trial. Under these circumstances, this application can be allowed on some conditions.

4. Accordingly, the petitioners/accused Nos.1 to 4 are directed to surrender before the Station House Officer, Shamshabad Police Station, Cyberabad Commissionerate, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Shamshabad Police Station, Cyberabad Commissionerate, shall release the petitioners/accused Nos.1 to 4 on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties in a like sum each to his satisfaction. After being released on bail, the petitioners/accused Nos.1 to 4 shall report before the Station House Officer, Shamshabad Police Station, Cyberabad Commissionerate, on every Sunday between 09:00 AM and 10:00 AM, till filing of the charge-sheet. The petitioners/accused Nos.1 to 4 shall also abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigation officer in the investigation of the case.

5. The Criminal Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.”

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Metropolitan Sessions Judge, Cyberabad at LB Nagar.
- 2 The VIII Metropolitan Magistrate, Cyberabad at Rajendranagar.
- 3 The Station House Officer, Shamshabad Police Station, Cyberabad Commissionerate.
- 4 One CC to Sri V. Eswaraiah Chowdary, Advocate (OPUC)
- 5 Two CCs to Public Prosecutor (TG), High Court of Judicature at Hyd. (OUT)
- 6 One spare copy.

HIGH COURT

Dr.SA,J

DATE: 05-12-2017

**ANTICIPATORY BAIL
ORDER**

CRL.P. NO. 11368 OF 2017

DIRECTION



HIGH COURT

Nnr

Date of Drafting: 06-12-2017

Dr.SA,J

DATE: 05-12-2017

**ANTICIPATORY BAIL
ORDER**



CRL.P. NO. 11368 OF 2017

DIRECTION