

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

FRIDAY, THE SEVENTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRLP .NO:10736 of 2017

Between:

Mohd. Nazeer Ahmed, S/o. Gulam Ahmed,

..... Petitioner/Accused No.1

AND

State of Telangana, through SHO, Banjara Hills Police Station, Hyderabad City,
Rep. by its Public Prosecutor, High Court at Hyderabad for the State of
Telangana and the State of Andhra Pradesh

.....Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the memo of grounds filed herein, the High Court may be pleased to enlarge the petitioner/accused No. 1 on Anticipatory Bail in the event of his arrest by the SHO, Banjara Hills Police Station, Hyderabad City in connection Crime No. 903 of 2017 and the petitioner undertake to abide by the condition or conditions that might be imposed by this Hon'ble Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed herein, and upon hearing the arguments of Sri S.K. Rizwan Ali, Advocate for the Petitioner, and of Public Prosecutor (TG) for Respondent, the Court made the following.

ORDER:

Heard learned counsel for the petitioner/A.1 and learned Additional Public Prosecutor for the respondent State, and perused the record.

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner/A.1 in Crime No.903 of 2017 of Banjara Hills Police Station, Hyderabad, for the offences punishable under Sections 420, 468 and 471 IPC read with Section 34 IPC.

The material on record reveals that the petitioner/A.1 purchased Acs.17.35 guntas of land under an agreement of sale dated 03.04.2016 from the de facto complainant and others. When the de facto complainant and others did not register the said land in favour of the petitioner/A.1 and denied to take the balance sale consideration, the petitioner/A.1 filed O.S.No.171 of 2016 on the file of the Principal District Judge, Medak at Sangareddy, and the said suit is pending. In that, he obtained status quo order with regard to the disputed land. Then, the present report is lodged before the police on 28.09.2017 i.e., after filing the suit and obtaining status quo order. The dispute between the parties is civil in nature. Therefore, the petitioner/A.1 is entitled for bail under Section 438 Cr.P.C.

In the result, the Criminal Petition is allowed, directing the petitioner/A.1 to surrender before the Station House Officer, Banjara Hills Police Station, Hyderabad, within 15 days from the date of this order. On such surrender, the said Station House Officer shall enlarge the petitioner/A.1 on bail on his executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to his satisfaction. On such release, the petitioner/A.1 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. Further, he shall

attend before the said Station House Officer on every second Saturday between 9.00 and 10.00 a.m. till filing charge sheet.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The III Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad
2. The Principal District Judge Medak at Sangareddy
3. The Station House Officer, Banjara Hills Police Station, Hyderabad City
4. Two CCs to Public Prosecutor (TG), High Court, Hyderabad (OUT)
5. One CC to Sri S.K. Rizwan Ali, Advocate (OPUC)
6. One spare copy

Skm



HIGH COURT

DR. SA,J

Drafted by: skm
Drafted on: 18-11-2017

DATE: 17-11-2017



ORDER

CRL.P. No. 10736 of 2017

DIRECTION