

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

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

CRL. P. NO:10940 of 2017

Between:

- 1 A. Chandrasekhar S/o. Gopal, Occ: Govt. Employee, R/o. H.No. D.No.10-342, Police Line, Opp. N.V.R. Theatre, Sallurupet, SPS Nellore Dist. (A1)
- 2 A. Ramadevi W/o. A. Chandrasekhar, Occ: Housewife, R/o. H.No. D.No.10-342, Police Line, Opp.NVR Theatre, Sallurupet, SPS Nellore Dist. (A2)
- 3 C. Narayana S/o. Bojjanna, Occ: Govt. Employee, D.No.19-12-500, Bairagipatteda, Tirupati, Chittoor District. (A-3)

..... Petitioners

AND

State of Andhra Pradesh, Rep. by Public Prosecutor, High Court of Judicature at Hyderabad, through SHO, Tiruchanoor PS., Tirupathi, Chittoor District.

.....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 direct the release of the petitioners on anticipatory bail in the event of their arrest in Crime No. 96 of 2017, dated 21.4.2017 on the file of Tiruchanur Police Station, UPD Tirupathi, Chittoor District;

Counsel for the Petitioners : SRI C.SHANMUKHA RAO

Counsel for the Respondent : PUBLIC PROSECUTOR (AP)

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 3, for grant of anticipatory bail in the event of their arrest in Crime No.96 of 2017 on the file of the Tiruchanur Police Station, UPD Tirupati, Chittoor District, registered for the offences punishable under Section 420 read with Section 34 of I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 to 3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The contention of the de-facto complainant is that the petitioner/accused No.2 has no title to the property sold to her under a registered sale deed bearing document

No.7252/2012, dated 09.11.2012. The learned counsel for the petitioners/accused Nos.1 to 3 would submit that the petitioner/accused No.2 has purchased the subject property from his vendor under a registered sale deed. His vendor's vendor has also purchased the subject property under a registered sale deed. So, it cannot be said that the petitioner/accused No.2 has no title to the property in question. It is also brought to the notice of this Court by the learned Additional Public Prosecutor that there are civil disputes between the parties to the litigation and that the property was sold to the de-facto complainant by the petitioners/accused Nos.1 and 2, who are husband and wife, by suppressing the material facts. The question as to whether the petitioners/accused Nos.1 to 3 have suppressed the material facts to the de-facto complainant or not can only be decided after due enquiry/investigation/trial. The dispute between the parties is civil in nature. Under these circumstances, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 to 3 under Section 438 of Cr.P.C.

4. Accordingly, the petitioners/accused Nos.1 to 3 are directed to surrender before the Station House Officer, Tiruchanur Police Station, UPD Tirupati, Chittoor District, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Tiruchanur Police Station, UPD Tirupati, Chittoor District, shall release the petitioners/accused Nos.1 to 3 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 3 shall report before the Station House Officer, Tiruchanur Police Station, UPD Tirupati, Chittoor District, on every Sunday between 09:00 AM and 10:00 AM, till filing of the charge-sheet. The petitioners/accused Nos.1 to 3 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.”

//TRUE COPY//

ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The Station House officer, Tiruchanur Police Station, UPD Tirupathi, Chittoor District.
2. Two CCs to Public Prosecutor, (AP), High Court of Judicature, at Hyderabad (OUT)
3. one CC to Sri C.Shanmukha Rao, Advocate (OPUC)
4. one Spare Copy



HIGH COURT

**AB
DRAFTED ON 24-11-2017**

DR.SA,J

DATE: 22-11-2017



ORDER

CRL.P. NO. 10940 OF 2017

DIRECTION