

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

MONDAY, THE FOURTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

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

CRL.P .No. 11376 of 2017

Between:

T.J. Balaji Reddy, S/o. T.S. Jayachandra Reddy,
aged about 56 years, R/o. Door No.6-14,
Reddy Street, Nagalapuram, Chittoor District.

..... Petitioner/
Accused No.2

AND

State of Andhra Pradesh, rep. by the Public Prosecutor, High Court at Hyderabad.

.....Respondent

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 enlarge the petitioner on bail in the event of his arrest in Cr.No.48 of 2017 on the file of Nagalapuram Police Station, Chittoor District.

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri V. Vinod K Reddy, Advocate for the petitioner/A-2 and of the learned Additional Public Prosecutor (AP) for the respondent-State, the Court made the following

ORDER:

“This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner-A.2 in Crime No.48 of 2017 of Nagalapuram Police Station, Chittoor District, registered for the offences punishable under Sections 468, 471, 420, 477A of I.P.C.

2. Heard the learned counsel for the petitioner-A.2 and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. The learned counsel for the petitioner-A.2 would submit that the petitioner-A.2 is innocent person and he is falsely implicated in this case; he has nothing to do with the alleged offences; the documents obtained by the petitioner-A.2 are genuine; he is a bona fide purchaser of the subject land measuring Acs.2-03 cents in Sy.No.49/1, situated at Nagalapuram Village and Mandal, Chittoor District; and ultimately, prayed to grant bail to the petitioner-A.2 under Section 438 Cr.P.C.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A.2 under Section 438 Cr.P.C.

5. The allegation against the petitioner-A.2 is that the petitioner-A.2 with the support of A.1 fabricated false documents, the name of A.1 was mutated in

the revenue records, and thereafter, A.1 alienated the subject land in favour of the petitioner-A.2. The contention on behalf of the *de facto* complainant is that he is in possession of the subject land for the last 15 years as a lessee. It is evident from the record, the *de facto* complainant and the petitioner-A.2 are claiming rights over the ownership and possession over the subject land. The same is required to be decided by the competent civil court. The questions whether the *de facto* complainant is in real possession of the subject land or whether his lessor has title over the subject property are all required to be determined. Under these circumstances, the petitioner-A.2 can be granted bail under Section 438 Cr.P.C.

6. In the result, the petitioner-A.2 is directed to surrender before the Station House Officer, Nagalapuram Police Station, Chittoor District, within a period of 15 days from today. On such surrender, the Station House Officer, Nagalapuram Police Station, shall release the petitioner-A.2 on bail on petitioner-A.2 executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the same S.H.O. On release, the petitioner-A.2 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. and cooperate with the investigating officer. The petitioner-A.2 shall also attend before the Station House Officer, Nagalapuram Police Station, on every Sunday between 9-00 a.m. and 10-00 a.m. till filing of the charge sheet.

7. Accordingly, this Criminal Petition is allowed.”

//TRUE COPY//

ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

- 1 The X Additional District & Sessions Judge, Tirupati.
- 2 The Station House Officer, Nagalapuram Police Station, Chittoor District.
- 3 One CC to Sri V. Vinod K Reddy, Advocate (OPUC)
- 4 Two CCs to Public Prosecutor (AP), High Court of Judicature at Hyd. (OUT)
- 5 One spare copy.

HIGH COURT

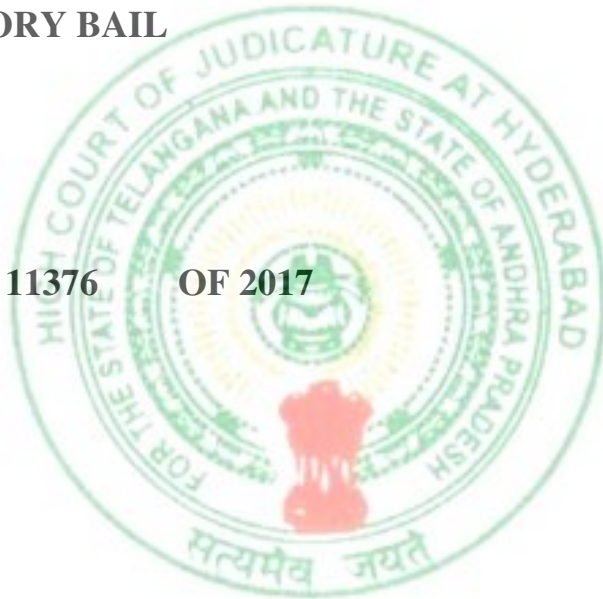
Dr.SA,J

DATE: 04-12-2017

**ANTICIPATORY BAIL
ORDER**

CRL.P. NO. 11376 OF 2017

DIRECTION



HIGH COURT

Nnr

Date of Drafting: 06-12-2017

Dr.SA,J

DATE: 04-12-2017

**ANTICIPATORY BAIL
ORDER**



CRL.P. NO. 11376 OF 2017

DIRECTION