

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
THURSDAY, THE THIRTIETH DAY OF NOVEMBER, TWO THOUSAND AND
SEVENTEEN
: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER**

CRLP .No. 11528 of 2017

Between:-

- 1.Nalla Surya Prakash, S/o. late Dannaiah
- 2.Smt Adrushta, W/o. Nalla Surya Prakash
- 3.Nalla Deepak, S/o. Nalla Surya prakash
- 4.S.K. Fareed, S/o. S.K. Rahamathullah
- 5.Janardhan, S/o. Venkataramana,
- 6.Smt Ilamma, W/o. Janardhan.

..... Petitioners/Accused Nos.1 to 6

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad.

...Respondent.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition and grounds thereof, the High Court may be pleased to enlarge the Petitioners on bail in the event of their arrest in connection with the Crime No. 892 of 2017 on the file of P.S. Malkajiri, Rachakonda District.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Prakash Chakravarthy, Advocate for the Petitioners and the Addl. Public Prosecutor(TS) 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 6, for grant of anticipatory bail in the event of their arrest in Crime No.892 of 2017 on the file of the Malkajiri Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 354, 323 & 427 of I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 to 6, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The material on record reveals that the de-facto complainant was digging a bore well on 15.11.2017 at 14:00 hours in the cellar of her flat. It is brought to the notice of this Court that there are 22 flats in that complex. The petitioners/accused Nos. 1 to 6 are the office bearers, who are administering the management of the building. In that process, they have objected the de-facto complainant in digging the borewell.

4. It is also brought to the notice of this Court that a civil suit was filed by the de-facto complainant, the civil Court was pleased to order status quo. It is contended that when the petitioners/accused Nos.1 to 6 objected the digging of bore well, this complaint is foisted against them. The allegation with regard to constituting of offence punishable under Section 354 of I.P.C. can be determined after due trial. Having regard to the nature of allegations leveled against the petitioners/accused Nos. 1 to 6, this Court is inclined to grant bail to them under Section 438 of Cr.P.C.

5. Accordingly, the petitioners/accused Nos.1 to 6 are directed to surrender before the Station House Officer, Malkajgiri Police Station, Rachakonda Commissionerate, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Malkajgiri Police Station, Rachakonda Commissionerate, shall release the petitioners/accused Nos. 1 to 6 on bail on their executing personal bonds for a sum of Rs. 10,000/- (Rupees ten thousand only) each with one surety in a like sum each to his satisfaction. After being released on bail, the petitioners/accused Nos.1 to 6 shall report before the Station House Officer, Malkajgiri Police Station, Rachakonda Commissionerate, On every Sunday between 08:00 AM and 09:00 AM, till filing of the charge-sheet. The petitioners/accused Nos.1 to 6 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.

6. 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 X Metropolitan Magistrate, Cyberabad at Malkajgiri.
- 2.The Station House Officer, Malkajgiri Police Station,
Rachakonda Commissionerate, Cyberabad.
- 3.Two CCs to Public Prosecutor(TS), High Court of Judicature at Hyderabad.
(OUT)
- 4.One CC to Sri Prakash Chakravarthy, Advocate(OPUC)
- 5.One spare copy.

TKK

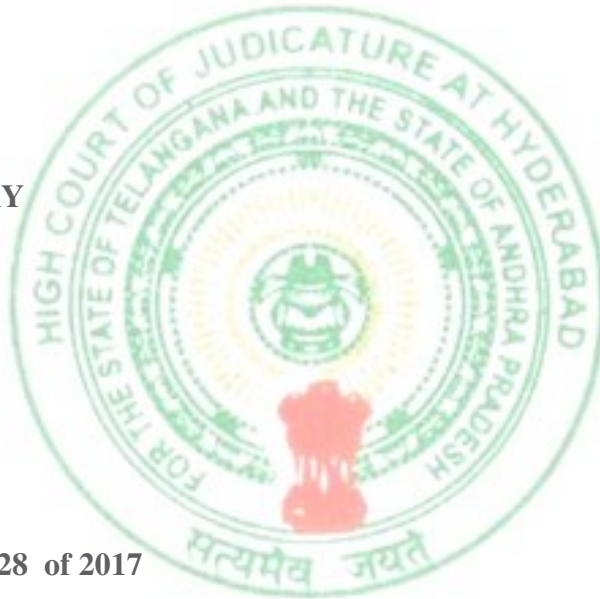


HIGH COURT

DR.SA.J

DT.30-11-2017.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 11528 of 2017

**RELEASE THE PETITIONERS
ON BAIL IN THE EVENT OF
THEIR ARREST.**

**DRAFTED BY TKK
DT.01-12-2017.**

HIGH COURT

DR.SA.J

DT.30-11-2017.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 11528 of 2017

**RELEASE THE PETITIOENRS
ON BAIL IN THE EVENT
OF THEIR ARRST.**