

**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 HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRL. P. NO:11515 of 2017

Between:

Vijay Ojah S/o. Govind Ojah, 45 years, R/o. H.No. 1-5-288, Karaman Road, Karimnagar

..... Petitioner/Accused No.1

AND

The State of Telangana, through SHO, Karimnagar II Town Police Station, Karimnagar,
Rep. by Public Prosecutor, High Court, Hyderabad.

.....Respondent/Complainant

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 enlarge the petitioner herein on bail in the event of his arrest in connection with Crime No. 402/2017 of Karimnagar II Town Police Station, Karimnagar District;

Counsel for the Petitioner : SRI GAJANAND CHAKRAVARTHY

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR (TS)

The Court made the following ORDER:

“Heard learned counsel for the petitioner/A.1, 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.402 of 2017 of Karimnagar II Town Police Station, Karimnagar District, for the offences punishable under Sections 420, 406, 323 and 506 IPC.

The material on record reveals that there was a lease agreement between the de facto complainant and the petitioner/A.1 in leasing out the Giant wheel, Break dance, Solomba, Dragon train, Bouncer, Chakri, Water Boat, Commando, Sunmoon and jumping items for the period between 01.07.2017 and 31.08.2017. During the lease period and after the lease period, it appears that the petitioner has paid some amount to the de facto complainant and some more amount is due. Further, the petitioner has not returned the dragon train to the de facto complainant. When the dragon train was demanded and the de facto complainant made an attempt to get it

back, some incident is alleged to have been taken place wherein A.2 and A.3 are also involved. It is clear from the record that the dispute between the parties is civil in nature. The remedy lies in the civil Court.

In view of the nature of allegations, the petitioner/A.1 is ordered to be released on bail on some conditions.

In the result, the Criminal Petition is allowed, directing the petitioner/A.1 to surrender before the Station House Officer, Karimnagar II Town Police Station, Karimnagar District, within 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A.1 on 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, 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 Sunday between 9 a.m. and 10.00 a.m. till filing charge sheet.”

//TRUE COPY//

ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The Station House Officer, Karimnagar II Town Police Station, Karimnagar District.
2. Two CCs to Public Prosecutor, (TS), High Court of Judicature, at Hyderabad (OUT)
3. One CC to Sri Gajanand Chakravarthy, Advocate (OPUC)
4. one Spare Copy

HIGH COURT

**AB
DRAFTED ON 5-12-2017**

DR.SA,J

DATE: 30-11-2017



ORDER

CRL.P. NO. 11515 OF 2017

DIRECTION