

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

CRLP .No. 11540 of 2017

Between:-

1.Mandela Ashok, S/o. Late Kattaiah
2.Mandela Prem Kumar, S/o. Ashok

..... Petitioners/Accused Nos. 1 & 2

AND

The State of Telangana, rep. by its Public Prosecutor,
High Court of Judicature at Hyderabad, For the State of Telangana and the
State of Andhra Pradesh.

...Respondent/Complainant.

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 release the petitioners on bail in the event of their arrest in Crime No. 41 of 2017 on the file of the Police Station : Kazipet, Warangal Rural District.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri A. Prabhakar Rao, 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 (for short, ‘Cr.P.C.’), is filed by the petitioners/accused Nos.1 and 2 for grant of anticipatory bail in the event of their arrest in connection with Crime No.41 of 2016 of Kazipet Police Station, Warangal Commissionerate, registered for the offences punishable under Sections 417 and 420 I.P.C.

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

3. The material on record reveals that petitioner /A2 borrowed a sum of Rs.3,00,000/- from the *de facto* complainant to meet his necessities and executed a Promissory Note in favour of the *de facto* complainant for the said amount. Thereafter, a cheque said to have given to the *de facto* complainant by petitioner No.2/accused No.2. The same was dishonoured.

4. The litigation relates to monetary disputes basing on a pro note. The same can be agitated before the competent civil Court or criminal Court under relevant provisions of the Negotiable Instruments Act, 1881. Under these circumstances, the petitioners/accused Nos.1 and 2, being father and son, can be enlarged on bail under Section 438 Cr.P.C.

Contd...2..

5. In the result, the petitioners/accused Nos.1 and 2 are directed to surrender before the Station House Officer, Kazipet Police Station, Warangal Commissionerate, within a period of fifteen days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 and 2 on bail on each of them executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. On release, the petitioners/accused Nos.1 and 2 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. and co-operate with the Investigating Officer. Further, the petitioners/accused Nos.1 and 2 shall appear before the Station House Officer, Kazipet Police Station, Warangal Commissionerate, on every Sunday between 09:00 AM and 10:00 AM till filing of the charge sheet.

6. Accordingly, the Criminal Petition is allowed.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The III-Additional Sessions Judge, Warangal.
- 2.The IV Additional Judicial First Class Magistrate at Warangal.
- 3.The Station House Officer, Kazipet Police Station,
Warangal Commissionerate.
- 4.Two CCs to Public Prosecutor(TS), High Court of Judicature at Hyderabad.
(OUT)
- 5.One CC to Sri A. Prabhakar Rao, Advocate(OPUC)
- 6.One spare copy.

TKK

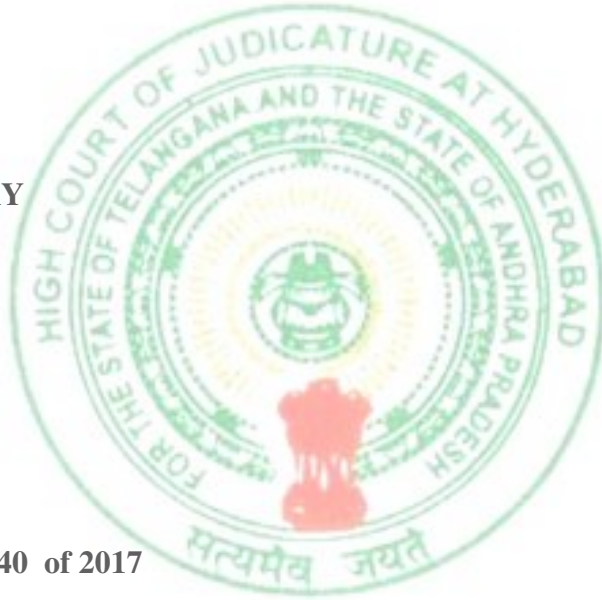


HIGH COURT

DR.SA.J

DT.06-12-2017.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 11540 of 2017

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

**DRAFTED BY TKK
DT.07-12-2017.**

HIGH COURT

DR.SA.J

DT.06-12-2017.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 11540 of 2017

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