

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

MONDAY, THE TWENTY SECOND DAY OF JANUARY,
TWO THOUSAND AND EIGHTEEN
: PRESENT:

THE HON'BLE SMT JUSTICE **T.RAJANI**

CRIMINAL PETITION No. 107 of 2018

Between:

1. K.Sivanna Narayana, S/o. Late K.Pedda Ankaiah
2. K.Hari Babu, S/o. Late K.Pedda Ankaiah

Petitioners
(Accused 1 & 2 in Cr.No.983/2017
of P.S.Banjara Hills, Hyderabad)

AND

The State of Telangana, through SHO, P.S.Banjara Hills, rep. by its Public Prosecutor,
High Court at Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the petitioners/accused Nos. 1 & 2 in the event of their arrest in Crime No. 983/2017 of P.S.Banjara Hills, Hyderabad, for the offence under Sec. 420, 406 IPC, 3(2)(VA), 3(1)(R)(S) SC, ST POA ACT 1999.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri V.Raghunath, Advocate for the Petitioners and of the Public Prosecutor (TG) for the Respondent, the Court made the following

ORDER:

“ This petition is filed seeking for grant of anticipatory bail to the petitioners, who are A1 and A2, in Crime No.983 of 2017 on the file of Banjara Hills Police Station, Hyderabad. The offences alleged are under Sections 420 and 406 IPC and Sections 3(2)(VA) and 3(1)(r)(s) of SC/ST POA Act.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the respondent.

3. The counsel for the petitioners submits that the petitioners also belong to scheduled caste and hence, the offences alleged under Sections 3(2)(VA) and 3(1)(r)(s) of SC/ST POA Act do not attract the acts alleged against these petitioners. With regard to the other offences, which are under Section 420 and 406 IPC, the counsel for the petitioners submits that the ingredients of the said sections do not attract and that it is purely a civil transaction.

4. The case of the prosecution is that the accused are due amounts to the defacto complainant and there were promissory notes executed by the petitioners herein. Hence, in view of the above, it can be considered as a monetary transaction and Sections 420 and 406 IPC do not get attracted simply because there is violation of a contract between the parties.

5. Hence, in the above circumstances, this court opines that this is a fit case for granting anticipatory bail.

6. Accordingly, the Criminal Petition is allowed. The petitioners are directed to surrender before the Station House Officer, Banjara Hills Police Station, Hyderabad, within 15 days from the date of this order. On such surrender, the petitioners shall be released on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioners shall abide by the conditions mentioned under Section 438(2) Cr.P.C., as under:

..2..

- (i) The petitioners shall make themselves available for interrogation by a police officer as and when required.
- (ii) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) The petitioners shall not leave India without the previous permission of the Court.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.”

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The III Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The SHO, Banjara Hills Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor (TG), High Court, Hyd(OUT)
4. One CC to Sri V.Raghunath, Advocate(OPUC)
5. One spare copy.

SAH



HIGH COURT

TRJ

DATED: 22-01-2018

ORDER

CRL.P.NO. 107 OF 2018



ANTICIPATORY BAIL

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 25-01-2018

HIGH COURT

TRJ



DATED: 22-01-2018

ORDER

CRL.P.NO. 107 OF 2018

ANTICIPATORY BAIL