

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE THIRTY FIRST DAY OF JANUARY, TWO THOUSAND AND
EIGHTEEN
: PRESENT :
THE HONOURABLE SMT JUSTICE T. RAJANI**

CRLP .No. 594, 687 and 691 of 2018

Crl.P.No. 594 of 2018 :-

Between:-

1. P. Vinod Kumar, S/o. late Venugopal Rao
- 2.G. Anil Kumar, S/o. Late G. Laxmi Narsaiah
- 3.P. Harikrishna Reddy, S/o. Sripathi Reddy
- 4.V. Ashok, S/o. Sahadevudu
- 5.K.V.J.B.K. Sharma, S/o. K.V.S.P. Sarma
- 6.S. Venkateswara Rao, S/o. Suda Samudreswara Rao

..... Petitioners/Accused Nos. 2 to 4, 6 to 8.

AND

- 1.The Station House Officer, Charminar Police Station, Charminar, Hyderabad District.(through Public Prosecutor, High Court of Judicature At Hyderabad, For the State of Telangana and the State of Andhra Pradesh)
- 2.The State of Telangana, rep. by Station House Officer, CCS, DD Police Station, Nampally, Hyderabad District (through Public Prosecutor, High Court of Judicature at Hyderabad, For the State of Telangana and the State of Andhra Pradesh).

.....Respondents/Complainant.

Petition filed under Sections 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to grant anticipatory bail to the petitioners in the event of their arrest in connection with the inquiry and investigation of FIR No. 204 of 2017, on the file of the CCS, DD Police, Nampally, Hyderabad (formerly FIR No. 150 of 2017 of Charminar Police Station, Hyderabad on such terms and conditions.

Crl.P.No. 687 of 2018 :-

P. Annapurana, W/o. R.S. Raghava Raju.

..... Petitioner/Accused No.5

AND

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

.....Respondents/Complainant.

Petition filed under Sections 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to direct the Station House Officer, C.C.S, D.D., Hyderabad to release the petitioner on bail in the event of her arrest in connection with Crime No. 204 of 2017 of C.C.S., D.D., Hyderabad (formerly Crime No. 150 of 2017 of Charminar Police Station, Hyderabad) in the interest of justice.

Cond..2..

Crl.P.No. 691 of 2018 :-

S.G.P.V. Rama Raju, S/o. Late S.V.V. Rama Raju

..... Petitioner/Accused No.9

AND

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

.....Respondents/Complainant.

Petition filed under Sections 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to direct the Station House Officer, C.C.S, D.D., Hyderabad to release the petitioner on bail in the event of his arrest in connection with Crime No. 204 of 2017 of C.C.S., D.D., Hyderabad (formerly Crime No. 150 of 2017 of Charminar Police Station, Hyderabad) in the interest of justice.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of M/s. Bharadwaj Associates, Advocates for the Petitioners in Crl.P.No. 594 of 2018 and of Sri T. Pradyumna Kumar Reddy, Advocate for Petitioner in Crl.P.Nos. 687 and 691 of 2018 and of Public Prosecutor(TS) on behalf of Respondent-State, the Court made the following **ORDER :-**

“The above petitions are taken up for common consideration, as the basis for filing of the complaints in these cases is the same and hence, they are being disposed of by this common order.

2. These petitions are filed seeking for grant of anticipatory bails to the petitioners, who are accused, in Crime No.204 of 2017 on the file of the CCS, DD Police, Nampally, Hyderabad (formerly Crime No.150 of 2017 on the file of Station House Officer, Charminar Police Station, Hyderabad). The offences alleged are under Sections 120-B, 406, 409, 420, 193, 506 r/w 34 IPC.

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

4. The FIR got to be registered, based on the private complaint filed by the *de facto* complainant, stating that the Andhra Pradesh High Court Employees' Mutually Aided Cooperative Housing Society Limited (hereinafter referred to as, “Society”) was registered in the year 2003, to allot plots to its members, in the land admeasuring Ac.39-00 guntas at Kachagacchibowli. The complainant is the ex-secretary of the Society and now a member. A1 is the architect and others are the Management Committee members and A9 is the member of the Society. Before 2009, the then Management Committee of the Society was supported and worked under the guidance of SGPV Ramaraju. All the works were done by the then committee, under the direction of the said person. The entire land was caused with huge pits, taking away the gravel, excavating by the nearby colonies and also big boulders were dumped on the site. He earned money by selling the gravel and got dumped the boulders and thereby, huge loss was caused to the society.

Contd.3...

5. The counsel for the petitioners submits that the *de facto* complainant is a member, who was expelled from the society, to perhaps suggest that under the said grouse, he filed this complaint.

6. The *de facto* complainant, after being permitted by this court, basing on the ruling rendered by this Court in CrI.M.P.No.8901 of 2009 in CrI.P.No.8736 of 2009 between *C.S.Y.Sankar Rao vs. State of Andhra Pradesh*, contends that there are several such allegations against the petitioners. He also submits that the petitioners filed a writ petition before this Court with regard to the cancellation of GO and that stay was granted by this court therein. The said GO is, in fact, cancelling the allotment of house site to the society and taking that as a ground would not be to the benefit of the *de facto* complainant, who also states to be a member of the Society.

7. The counsel for the petitioners seeks this court only to consider the facts of these cases in order to decide these petitions. He contends that the complainant got a search warrant from the court and in execution of the search warrant all the account books and documents were seized from the Society and hence, no custodial interrogation is required of these petitioners.

8. The counsel for the *de facto* complainant, on the other hand, contends that all the books were not seized from the Society. The Public Prosecutor submits that the further seizure would be required if the statements of the witnesses would necessitate the same.

9. But the said submission does not impress this court, as, the search warrant was obtained based on the allegations made in the complaint and all the books pertaining to the alleged misappropriation ought to have been secured under the search warrant. The genuineness of the account copy, showing cash withdrawals by the petitioners, was refuted by the petitioners' counsel, on the ground that cash withdrawal for huge amounts, as reflected therein, will not be permitted by the Banks, more particularly after demonitisation. However the said document cannot be looked into, as it is not filed by the prosecutor and it is privately obtained by the complainant.

10. Hence, in view of the above, this court opines that these are fit cases for grant of anticipatory bails to the petitioners.

11. Accordingly, the Criminal Petitions are allowed. The petitioners are directed to surrender before the Station House Officer, CCS, DD Police, Nampally, 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.30,000/- (Rupees thirty thousand only) each with two sureties each for a like sum each to the satisfaction of the said Station House Officer. On such release, the petitioners are also directed to appear before the said Police Station twice in a week i.e., on Sunday and Wednesday between 09:00 AM and 12:00 Noon and shall also abide by the conditions mentioned under Section 438(2) Cr.P.C., as under:

- 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.

Contd..4...

As a sequel, the miscellaneous applications, if any pending, shall stand closed.”

Sd/- T. RANGA BABU,
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Chief Metropolitan Magistrate at Nampally, Hyderabad.
- 2.The Station House Officer, C.C.S., D.D Police Station, Nampally, Hyderabad.
- 3.The Station House Officer, Charminar Police, Station, Hyderabad.
- 4.Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT)
- 5.One CC to M/s. Bharadwaj Associates, Advocates(OPUC)
- 6.One CC to Sri T. Pradyumna Kumar Reddy, Advocate(OPUC)
- 7.One CC to Sri K.V. Raghuveer, Advocate(OPUC)
- 8.One spare copy.

TKK



HIGH COURT

TR.J

DT.31-01-2018.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 594, 687 and 691 of 2018

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

**DRAFTED BY TKK
DT.31-01-2018.**

HIGH COURT

TR.J

DT.31-01-2018.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 594, 687 and 691 of 2018

**RELEASE THE PETITIONERS
ON BAIL IN THE EVENT OF
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