

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

THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY,
TWO THOUSAND AND EIGHTEEN

PRESENT

THE HON'BLE SMT JUSTICE T. RAJANI

**CRL.P.Nos. 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1660,
1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672,
1673, 1674 and 1675 of 2018**

Between:

K. Prem Sagar Rao, S/o Late K. Raghupathi Rao

Petitioner in all the petitions

AND

The State of Telangana, rep by Station House Officer, Utnoor Police Station, Untoor, Adilabad District (through Public Prosecutor, the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh)

Respondent/Complainant
in all the petitions

Crl.P.NO. 1650 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 263 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1651 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 265 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1652 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 250 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1653 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 255 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1654 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 267 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1655 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 257 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1656 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 253 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1657 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 251 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1658 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 262 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1660 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 272 of 2017, dated 17-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1661 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 264 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1662 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 260 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1663 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 269 of 2017, dated 17-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1664 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 268 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1665 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 252 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1666 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 256 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1667 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 249 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1668 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 258 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1669 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 270 of 2017, dated 17-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1670 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 266 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1671 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 254 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1672 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 259 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1673 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 276 of 2017, dated 17-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1674 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 275 of 2017, dated 17-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

Crl.P.NO. 1675 of 2018: Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioner/Accused herein in the event of his arrest in connection with the investigation, enquiry and trial in FIR. No. 261 of 2017, dated 16-12-2017 of the Utnoor Police Station, Untoor, Adilabad District on such terms and conditions.

These petitions coming on for hearing, upon perusing the petition and memo of grounds filed herein, and upon hearing the arguments of Sri K.S. Rahul, Advocate for the petitioner in all the petitions, and of Public Prosecutor (TG) for Respondent in all the petitions, the Court made the following

COMMON ORDER:

These petitions are filed seeking for grant of anticipatory bail to the petitioner, who is one of the accused, in Crime Nos.263, 265, 250, 255, 267, 257, 253, 251, 262, 272, 264, 260, 269, 268, 252, 256, 249, 258, 270, 266, 254, 259, 276, 275 and 261 of 2017 respectively, on the file of Utnoor Police Station, Adilabad District.

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

3. This Court is made aware of the fact that the earlier petitions moved by this petitioner, seeking for grant of anticipatory bail, were dismissed. In the above background, unless some changed circumstances, invalidating the earlier observations, or otherwise, are made out, this petition cannot be maintained.

4. The judgement of the Apex Court in *Badresh Bipinbhai Sheth v. State of Gujarat*¹ relied upon by the petitioner counsel, is to the effect that no special case need to be made out for seeking anticipatory bail. The changed circumstance, since the dismissal of the earlier petitions, is that the other accused were granted bail and the orders show that the public prosecutor therein submitted that the entire investigation is completed, except for filing of the charge sheet. The law now is that, there is no need for the petitioner to make out a special case. This petitioner stands on the same footing, if not a better footing, as that of the other accused, who were enlarged on bail. That would suffice for grant of anticipatory bail to this petitioner also. More so, because there is no move by the prosecution for cancellation of bails granted to other accused and due to the rational principal that a person, standing on the same footing, cannot be isolated and denied justice, which others got.

5. The public prosecutor submits that this petitioner was not cooperating with the investigation. The same can be taken care of by imposing appropriate conditions. The prosecution is at liberty to seek for cancellation of bail whenever the petitioner violates the conditions.

6. Hence, in view of the above, this court deems it appropriate to grant anticipatory bail to the petitioner on condition of executing personal bond for Rs.1,00,000/- (rupees one lakh only) with two sureties, for a like sum each to the satisfaction of the Station House Officer, Utnoor Police Station, Adilabad District and that he has to attend the police station every day between 10.00 A.M. and 05.00 P.M.

7. Accordingly and with the above directions, the Criminal Petition is allowed and the petitioner is directed to surrender before the Station House Officer, Untoor Police Station, Adilabad District, within 15 days from the date of this order. On such surrender, the petitioner shall be released on bail on his executing a personal bond for Rs.1,00,000/- (rupees one lakh only) with two sureties each for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner shall abide by the conditions mentioned under Section 438(2) Cr.P.C., as under:

- (i) The petitioner shall make himself available for interrogation by a police officer as and when required.
- (ii) The petitioner 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 petitioner shall not leave India without the previous permission of the Court.

8. As a sequel, miscellaneous petitions pending consideration, if any, in these cases shall stand closed.

¹ 2016 (1) SCC 152

//TRUE COPY//

ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

1. The Judicial First Class Magistrate at Untoor, Adilabad District
2. The Station House Officer, Untoor Police Station, Untoor, Adilabad District
3. Two CCs to Public Prosecutor (TG), High Court, Hyderabad (OUT)
4. One CC to Sri K.S. Rahul, Advocate (OPUC)
5. One spare copy

SKM

HIGH COURT

TR,J

DATE: 22-02-2018

ORDER

**CRL.P.Nos. 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1660,
1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672,
1673, 1674 and 1675 of 2018**

DIRECTION



HIGH COURT

TR,J

Drafted by: skm
Drafted on: 26-02-2018

DATE: 22-02-2018

ORDER

**CRL.P.Nos. 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1660,
1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672,
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DIRECTION