

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

TUESDAY, THE TWENTY SEVENTH DAY OF FEBRUARY,
TWO THOUSAND AND EIGHTEEN
: PRESENT:

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

CRIMINAL PETITION No. 1985 of 2018

Between:

1. Ardhula Seetamahalakshmi, W/o. Radhakrishna
2. Danaboina Samrajyam, W/o. Brahmaiah
3. Marri Parvathi (but in the FIR the name is wrongly mentioned as Marri Siva Parvathi), W/o. Tirupathaiah

Petitioners

(Accused 5,6 & 7 in Cr.No.123/2017

of Mangalagiri Town P.S., Guntur Urban Dist)

AND

The State of Andhra Pradesh, through Station House officer, Mangalagiri Town Police Station, Guntur Urban, Guntur District, rep. by its Public Prosecutor, High Court at Hyderabad.

Respondent

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the grounds filed therein, the High Court may be pleased to direct the respondent to release the petitioners on bail in the event of their arrest in Cr.No. 123 of 2017 on the file of the Mangalagiri Town Police Station, Guntur Urban District in the interest of justice.

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

ORDER:

“ This petition is filed, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), **seeking** for grant of anticipatory bail to the petitioners-accused Nos. 5 to 7 in crime No. 123 of 2016 of Mangalagiri Town Police Station, Guntur Urban District.

2. Heard learned counsel for the petitioners and learned Public Prosecutor (A.P.).

3. The case of the prosecution is that accused No. 1 sold land to the *de facto* complainant, by suppressing the earlier civil dispute, which is pending in respect of the said land. Learned counsel for the petitioners contends that in fact, the petitioners are original owners and they executed general power of attorney cum sale in favour of accused No. 2 and accused No. 2 sold the land to accused No. 1 and accused No. 1, in turn, sold the same to the *de facto* complainant, without informing about the earlier suit. Learned counsel for the petitioners submits that in the earlier suit filed by a third party purchaser, for specific performance, the petitioners remained *ex parte* and after coming to know about the same, they filed petition to set aside the *ex parte* decree. Learned counsel further submits that in fact, the petitioners informed accused No. 2 about the said dispute and suppression, if any, is only done by accused No. 2. Learned counsel relies on the plaint copy in O.S.No. 555 of 2014 filed by accused No. 2 against the petitioners seeking for declaration in respect of the disputed land.

4. Hence, in view of the above, this Court opines that these petitioners are, *prima facie*, innocent and that justice requires that, anticipatory bail need to be given to them. The petitioners are directed to surrender before the Station House Officer, Mangalagiri Town Police Station, Guntur Urban District, within 15 days from the date of this order and on such surrender, the petitioners shall be released on bail on their executing each 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. 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.
5. The criminal petition is accordingly allowed. Pending miscellaneous petitions if any shall stand closed in consequence.”

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The II Additional District & Sessions Judge, Guntur District at Guntur.
2. The SHO, Mangalagiri Town Police Station, Guntur Urban, Guntur District.
3. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
4. One CC to Sri P.Nagendra Reddy, Advocate(OPUC)
5. One spare copy.

SAH



HIGH COURT

TRJ

DATED: 27-02-2018

ORDER

CRL.P.NO. 1985 OF 2018

ANTICIPATORY BAIL



DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 01-03-2018

HIGH COURT

TRJ



DATED: 27-02-2018

ORDER

CRL.P.NO. 1985 OF 2018

ANTICIPATORY BAIL