

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

WEDNESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY, TWO THOUSAND
AND EIGHTEEN

: PRESENT :

THE HONOURABLE SMT JUSTICE T. RAJANI

CRLP .No. 2189 of 2018.

Between:-

Mohammed Anwar @ Feroz, S/o. Mohammed Munawar Ali.

..... Petitioner/Accused No.2.

AND

The State of Telangana, rep. by its Public Prosecutor,
High Court at Hyderabad, Hyderabad.

.....Respondent/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 Petitioner/Accused No.2 in the event of his arrest in PRC No. 17 of 2011 of P.S. Bhavani Nagar, Hyderabad, which is pending on the file of VIII Additional Chief Metropolitan Magistrate, Hyderabad.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Md. Muzafferullah Khan, Advocate for the Petitioner and of Public Prosecutor(TS) on behalf of Respondent-State, the Court made the following

ORDER :-

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No. 2189 OF 2018

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 petitioner-accused No. 2 in P.R.C.No. 17 of 2011 on the file of the Court of VIII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad (for short, 'the Court below').

2. Heard learned counsel for the petitioner and learned Public Prosecutor (T.S.).

3. Learned counsel for the petitioner submits that as per the complaint filed by the *de facto* complainant, accused Nos. 1, 3 and 9 were present at the scene of offence[✓], on the date of incident and that the role of this petitioner came to light only from the confession of accused No. 1, wherein he stated that the petitioner, who was residing abroad, was in contact with them over phone and he instigated them to eliminate the deceased. Learned counsel further submits that the case against the petitioner was split up and the case against accused Nos. 5 to 10 ^P~~was~~ ended in acquittal and accused Nos. 1, 3 and 4 were convicted of the charge under Section 304^{part} (II) I.P.C.

4. Hence, considering the above, this Court opines that anticipatory bail can be granted to the petitioner. The petitioner is directed to surrender before the Court below within 15 days from the date of this order and on such surrender, the petitioner shall be released on bail on his executing a

personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Court below. 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.

6. The criminal petition is accordingly allowed. Pending miscellaneous petitions if any shall stand closed in consequence.

SD/- A. SARASWATHI
ASSISTANT REGISTRAR

//TRUE COPY//


for ASSISTANT REGISTRAR

To

- 1.The Additional Metropolitan Sessions Judge for Trial of Communal Offences Cases-cum-VII Additional Metropolitan Sessions Judge, Hyderabad.
- 2.The VIII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad.
- 3.The Station House Officer, Bhavani Nagar Police Station, Hyderabad.
- 4.Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT)
- 5.One CC to Sri Md. Muzaiferullah Khan, Advocate(OPUC)
- 6.One spare copy.

TKK

HIGH COURT

TR.J

DT.28-02-2018,

**ANTICIPTORY
BAIL ORDER**

CRL.P.No. 2189 of 2018



**RELEASE THE PETITIONER
ON BAIL IN THE EVET OF
HIS ARREST**

A handwritten signature in dark ink, appearing to be "Sd/".