

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

THURSDAY, THE EIGHTH DAY OF MARCH,
TWO THOUSAND AND EIGHTEEN
: PRESENT:

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

CRIMINAL PETITION No. 2662 of 2018

Between:

Smt. Balusu Rajyalaxmi, W/o. B.Madhavarao

Petitioner
(Accused in Cr.No.273/2017
of Miyapur P.S., Cyberabad)

AND

1. The State of Telangana, rep by Miyapur Police Station, Cyberabad, through its Public Prosecutor, High Court, Hyderabad.
2. B.Rajeshwari, W/o. Sri S.Balakrishna, Occ: Homemaker, R/o. H.No. 5-1-596/4, Troopbazar, Hyderabad.

Respondent/Defacto Complainant

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 grant anticipatory bail to the Petitioner in Crime No. 273 of 2017 on the file of the Miyapur Police Station at Cyberabad and direct the respondent Police to release the petitioner on bail in the event of the Petitioner's arrest under the said Criminal Complaint.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri M.V.Pratap Kumar, Advocate for the Petitioner and of the Public Prosecutor (TG) for the Respondent No.1, the Court made the following

ORDER:

“ This Criminal Petition is filed seeking for grant of anticipatory bail to the petitioner, who is the sole accused, in Crime No.273 of 2017 on the file of the Station House Officer, Miyapur Police Station, Cyberabad District. The offences alleged are under Sections 426, 464, 465, 467, 468, 419 and 420 of I.P.C. and Section 156(3) of Cr.P.C.

2. Heard the learned counsel for the petitioner, learned Public Prosecutor appearing for the respondent-State, and perused the record.

3. The case of the prosecution is that the complainant is the absolute owner and possessor of open plot Nos.920/A and 920/B admeasuring 389 Sq. yards, forming part in Survey No.44, which was purchased from one V.Seshu Rani, represented by her G.P.A. Holder P.Laxmi, vide registered document. Subsequently, on 05.08.2015, the complainant found the name of one K.Srinivas Reddy, alleged to be the G.P.A. holder of the complainant and her husband, and sold the property to the petitioner.

4. Learned counsel for the petitioner submits that there are absolutely no *mala-fides* that can be gathered from the contents of the complaint. The complainant states that the fraud was detected on 05.08.2015 itself, but since then what action was taken by her, and as to why she had to keep quiet till the date of lodging the report *i.e.*, on 28.02.2017, is not borne out from the complaint. Learned counsel further submits that the original documents and the link documents pertaining to the said plots are in the custody of the petitioner itself. Learned counsel also filed copies of those documents. *Prima-facie*, no collusion, on the part of the petitioner, is evident.

5. Learned Public Prosecutor does not refute those facts.

..2..

6. Hence, considering the nature of allegations, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Petition is allowed and the petitioner is directed to surrender before the Station House Officer, Miyapur Police Station, Cyberabad District, within 15 days from the date of this order. On such surrender, the petitioner shall be released on bail on her executing 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 petitioner shall abide by the conditions mentioned under Section 438(2) Cr.P.C., as under:

- 1) The petitioner shall make herself available for interrogation by a police officer as and when required;
- 2) 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/her from disclosing such facts to the Court or to any police officer; and
- 3) The petitioner shall not leave India without the previous permission of the Court.

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

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad.
2. The SHO, Miyapur Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor (TG), High Court, Hyd(OUT)
4. One CC to Sri M.V.Pratap Kumar, Advocate(OPUC)
5. One spare copy.

SAH

HIGH COURT

TRJ

DATED: 08-03-2018

ORDER

CRL.P.NO. 2662 OF 2018

ANTICIPATORY BAIL



DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 12-03-2018

HIGH COURT

TRJ



DATED: 08-03-2018

ORDER

CRL.P.NO. 2662 OF 2018

ANTICIPATORY BAIL