

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**
MONDAY, THE TWENTY SECOND DAY OF OCTOBER, TWO THOUSAND AND
EIGHTEEN
: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP.No. 10689 of 2018

Between:-
Akula Saritha, W/o. Krishna Mohan.

..... Petitioner/Accused.

AND

1. The PS Chintalapudi, West Godavari District, represented by Public Prosecutor,
High Court of Andhra Pradesh, Hyderabad.
2. Thaneeru Ravi S/o. Krishna Mohan, Occ : Business,
R/o. Koppulavari Veedhi, Chintalapudi, West Godavari District.

..... Respondent/Complainant.

Petition filed under Section 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 in crime No. 266 of 2017 on the file of Police Station at Chintalapudi, of West Godavari District, in the event of her arrest, in the interest of justice.

These petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri P. Rama Sharana Sharma, Advocate for the Petitioner and of Additional Public Prosecutor(AP) on behalf of Respondent No.2-State, the Court made the following

ORDER :-

"This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of bail in Crime No.266 of 2017 of Chintalapudi Police Station, West Godavari District, registered for the offence punishable under Section 420 of I.P.C.

2. Heard the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The allegation against the petitioner/accused is that she borrowed Rs.1,00,000/- from the *de facto* complainant and issued a cheque for Rs.1,00,000/- towards repayment of amount borrowed by her. When the cheque was presented with the bank, it was returned stating that the signature on cheque was not tallying with the specimen signatures. On that, the lender lodged a report with the police. This case is registered and it is under investigation.

4. Learned counsel for the petitioner/accused would submit that the petitioner is ready to pay Rs.1,00,000/- in any mode to the *de facto* complainant, but the *de facto* complainant has been demanding huge money and not accepting Rs.1,00,000/-. It appears from the record that the dispute between the parties is civil in nature. Hence, the petitioner can be granted bail under Section 438 Cr.P.C. on some conditions.

Contd.2..

5. The petitioner shall obtain a demand draft in the name of the *de facto* complainant for Rs.1,00,000/- and submit the same before the jurisdictional Magistrate within 15 days from the date of this order. After deposit, the petitioner shall surrender before the said learned Magistrate. On such surrender, learned Magistrate shall release the petitioner/accused on bail on her executing personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with a surety in a like sum to his satisfaction. Further, if the *de facto* complainant intends to take the demand draft obtained in his name, he can do so by filing an application before the Court concerned. On filing such an application, the learned Magistrate shall hand over the demand draft to the *de facto* complainant, without insisting on any surety. If no application is filed by the *de facto* complainant within three months from the date of deposit, the learned Magistrate shall return the demand draft to the petitioner.

6. The Criminal Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed."

//TRUE COPY//

Sd/- CH.VENKATESHWAR
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

- 1.The Station House Officer, Chintalapudi Police Station, West Godavari District.
- 2.Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT).
- 3.One CC to Sri P. Rama Sharana Sharma, Advocate(OPUC)
- 4.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.22-10-2018.

ANTICIPATORY
BAIL ORDER

CRLP .No. 10689 of 2018

RELEASE THE PETITIONER/ACCUSED
ON BAIL IN THE EVENT OF
HER ARREST

