

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND EIGHTEEN**



**:PRESENT:
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO: 11374 OF 2018**

Between:

Smt. Prerana Arora W/o Rahul Arora D/o. Ravinder Pulyani

Petitioner/Accused

AND

1. Sri Rahul Arora Deendayal S/o Sri Deendayal Arora, R/o.No.20, Arora Niwas, 17th Cross, Bhuvanewari Nagar, Dasasrahalli Post, Hebbal, Bangalore
2. Sri Deendayal Arora S/o Hari Kishan R/o. No.20, Arora Niwas, 17th Cross, Bhuvanewari Nagar, Dasasrahalli Post, Hebbal, Bangalore
3. Smt.Durga Arora S/o Sri Deendayal Arora R/o. No.20, Arora Niwas, 17th Cross, Bhuvanewari Nagar, Dasasrahalli Post, Hebbal, Bangalore
4. Smt.Koma Ashih Khatri W/o Ashish Khatri, R/o. Khatri Estate, Near Mahvir Bhavan, Baraamti, Pune, Maharastra
5. The State of Telangana, Rep. by Police Women Police Station, CCS, Hyderabad, Through Public Prosecutor, High Court of judicature at Hyderabad

Respondents

Petition under Section 439(2) of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to cancel Anticipatory Bail granted to the respondents 1 to 4 by the court of IV Addl. Metropolitan Sessions Judge, in Cri.M.P. No.1883 of 2018 on 09.08.2018 in FIR. No.361 of 2018 on the file of Women Police Station, CCS, DD, Hyderabad.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri P S P SURESH KUMAR Advocate for the Petitioner, and of Additional Public Prosecutor(TG) for the respondent No.5, the Court made the following.

ORDER

This Criminal Petition, under Section 439(2) of the Code of Criminal Procedure, 1973, is filed by the petitioner-*de facto* complainant, to cancel the anticipatory bail granted to the respondents/A.1 to A.4, in unnumbered Crime No. of 2018 of WPS, CCS, Hyderabad *vide* order, dated 09.07.2018, passed in Cri.M.P.No.1883 of 2018 by the IV Additional Metropolitan Sessions Judge at Hyderabad.

Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor representing the 5th respondent-State and perused the record.

In spite of service of notice to respondents/A.1 to A.4, there is no representation on their behalf.

Learned Additional Public Prosecutor would submit that a report in the instant crime was received on 09.06.2018 and on the same day, a G.D. entry was made. However, as the counselling was pending, FIR in this case was registered on 09.07.2018. When the bail application was taken up for hearing by the Court of Session on 09.07.2018, the Additional Public Prosecutor rightly represented that there was no registration of crime by that time.

Learned counsel for the petitioner would contend that the copy of FIR clearly demonstrates that the subject FIR was registered on 02.07.2018 but not on 09.07.2018. On the date of submissions before the Court of Session, the FIR was in existence. As per the record placed, the FIR in the subject crime was issued on 02.07.2018 and the same was reflected at Serial No.1 of the FIR. There is no clarity with regard to the

date of receipt of report by the police and issue of FIR. As there is specific mention with regard to the date of registration of FIR on 02.07.2018, the application filed by the respondents/A.1 to A.4 is required to be determined afresh on merits.

With the above observation, the Criminal Petition is allowed by setting aside the order under challenge. The anticipatory bail granted to the respondents/A.1 to A.4 *vide* order, dated 09.07.2018, passed in Crl.M.P.No.1883 of 2018, by the IV Additional Metropolitan Sessions Judge at Hyderabad, is set aside. The respondents/A.1 to A.4 are entitled to file a fresh application before the Court of Session, if they choose to do so. On such filing, the Court of Session is required to dispose of on merits.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The IV Additional Metropolitan Sessions Judge at Hyderabad
2. The Station House Officer, Women Police Station, CCS, DD, Hyderabad
3. Two CCs to the Public Prosecutor (TG), High Court at Hyderabad (OUT)
4. One CC to SRI. P S P SURESH KUMAR Advocate [OPUC]
5. One spare copy

HIGH COURT

DR.SAJ

DATED:26/12/2018

ORDER

CRLP.No.11374 of 2018

BAIL

