

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
FRIDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND EIGHTEEN**

:PRESENT:

**THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO: 11656 OF 2018**

Between:

Mohammed Abdul Arif Nawab S/o m.a. Basith Parvaze (A-1).

Petitioner/Accused

AND

The State of Telangana, Rep by its Public Prosecutor, High Court of Judicature at Hyderabad For the State of Telangana and the State of Andhra Pradesh.

Respondent/Complainant

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to direct the Station House Officer, Jubilee Hills Police Station, Hyderabad to release the petitioner on bail in the event of his arrest in connection with Crime No.624/2018 of Jubilee Hills Police Station, Hyderabad, in the interest of justice;

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri C SHARAN REDDY Advocate for the Petitioner(s) and of Additional Public Prosecutor(TG) for the respondent, the Court made the following.

ORDER

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of anticipatory bail in Crime No.624 of 2018 of Jubilee Hills Police Station, Hyderabad District, registered for the offences punishable under Sections 328 & 188 of I.P.C. and Sections 4 & 20(2) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement) and Regulation of Trade & Commerce, Production, Supply and Distribution Act, 2003 ('COTPA Act').

2. Heard the learned counsel for the petitioner/A.1, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. It is alleged that the petitioner/A.1 is indulging in supply of hookah in a coffee shop. Whether the ingredients of Section 328 of I.P.C. would apply to the instant case or not is a question. Having regard to the nature of allegations levelled against the petitioner/A.1 and the material collected so far, the petitioner/A.1 can be granted anticipatory bail under Section 438 of Cr.P.C., on some conditions.

4. Accordingly, the petitioner/A.1 is directed to surrender before the Station House Officer, Jubilee Hills Police Station, Hyderabad District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A.1 on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his/her satisfaction. On such release, the petitioner/A.1 shall report before the said Station House Officer on every Sunday between 09:00 AM and 10:00 AM, till filing

of the charge-sheet. The petitioner/A.1 shall also abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigating officer in the investigation of the case.

5. The Criminal Petition is, accordingly, allowed.

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

SD/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The II Additional Metropolitan Sessions Judge, Hyderabad
2. The XVII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad
3. The Station House Officer, Jubilee Hills Police Station, Hyderabad District
4. Two CCs to the Public Prosecutor (TG), High Court at Hyderabad (OUT)
5. One CC to SRI. C SHARAN REDDY Advocate [OPUC]
6. One spare copy

HIGH COURT

DR.SAJ

DATED:09/11/2018

ORDER

CRLP.No.11656 of 2018

BAIL

