

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

THURSDAY, THE FIFTEENTH DAY OF NOVEMBER, TWO THOUSAND AND
EIGHTEEN

: PRESENT :

THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP.No. 11840 of 2018

Between:-

Karunakar Reddy, S/o. Papi Reddy. -

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

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor,
High Court, Hyderabad.

.....Respondent.

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 enlarge the petitioner on bail in the event of his arrest in Crime No. 196 of 2018 of Srikalahasthi I Town Police Station.

These petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Nageshwara Rao Pappu, Advocate for the Petitioner and of Additional Public Prosecutor(AP) on behalf of Respondent-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/A.2, for grant of bail in Crime No.196 of 2018 of Srikalahasthi I Town Police Station, Chittoor District, registered for the offences punishable under Sections 307, 147, 148, 324, 109 and 120B read with 149 of IPC.

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

3. Learned counsel for the petitioner/A.2 would submit that the specific allegation against the petitioner/A.2 is that he conspired for the commission of offence. As per the allegations, he was not present at the scene of offence. Since the petitioner is managing the accounts of A.1, who is his son-in-law, this petitioner is falsely implicated in this case. Further, it is contended that the petitioner/A.2 is 70 years old and he has nothing to do with the disputes between A.1 and the *de facto* complainant and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.2 and contended that the petitioner/A.2 along with the other accused had threatened the *de facto* complainant, three days before the alleged offence with dire consequences. The petitioner/A.2 conspired along with other accused and made an attempt to do away with the life of the *de facto* complainant and also contended that the allegations are grave and ultimately, prayed to dismiss the petition.

5. In view of the circumstances narrated by both sides, the point for determination is, whether the petitioner/A.2 is entitled for bail under Section 438 Cr.P.C.?

Contd..2..

6. As per the material placed on record, there is a long standing dispute in between A.1 and the *de facto* complainant-K.Suresh Babu with regard to the commission payable to him for the landed property belonging to A.1. As per the copies of account sheets placed before this Court, an amount of Rs.1.8 crores is said to have been paid to the *de facto* complainant by A.1. The main dispute between A.1 and the *de facto* complainant is the demand of money in respect of the landed property sold by the *de facto* complainant. As per the copy of medical report filed before this Court, the *de facto* complainant suffered simple injuries. As per the investigation, this petitioner/A.2 was not present at the scene of offence. In the course of submissions, it is also brought to the notice of this Court that the petitioner/A.2 is suffering from health issues. The truth or otherwise of the alleged criminal conspiracy could be decided only after recording of evidence. Having regard to the material placed on record and the submissions made and the nature of allegations levelled against the petitioner/A.2, he can be granted bail under Section 438 Cr.P.C.

7. The petitioner/A.2 is directed to surrender before the Station House Officer, Srialahasthi I Town Police Station, Chittoor District within 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A.2 on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties in a like sum each to his satisfaction. On such release, the petitioner/A.2 shall report before the said Station House Officer, on every Wednesday and Sunday between 09:00 and 11:00 A.M., till filing of the charge sheet. The petitioner/A.2 shall also abide by the conditions stipulated in Section 438(2) Cr.P.C., and shall cooperate with the investigating officer in investigation of the case.

8. The Criminal Petition is accordingly, allowed.

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

//TRUE COPY//

Sd/- CIL VENKATESHWAR
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

1. The Special Sessions Judge-cum-IV Additional Sessions Judge,
Tirupati, Chittoor District.
2. The Judicial First Class Magistrate, Srialahasthi, Chittoor District.
3. The Station House Officer, Srialahasthi I Town Police Station, Chittoor District.
4. Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT).
5. One CC to Sri Nageshwara Rao Pappu, Advocate(OPUC)
6. One spare copy.

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HIGH COURT

DR.SA.J

DT.15-11-2018.

ANTICIPATORY
BAIL ORDER



CRLP .No. 11840 of 2018

RELEASE THE PETITIONER/ACCUSED NO.2
ON BAIL IN THE EVENT OF
HIS ARREST

