

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

MONDAY, THE TWENTY FOURTH DAY OF DECEMBER,
TWO THOUSAND AND EIGHTEEN

: PRESENT:

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CRIMINAL PETITION No. 13240 of 2018

Between:

1. Sama Prabhakar Reddy, S/o. S.Narsimha Reddy
2. K.Krishna Reddy, S/o. K.V.Narsimha Reddy

Petitioners/Accused 3 & 4

AND

State of Telangana, rep by Public Prosecutor, High Court at Hyderabad.

Respondent/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 petitioners by directing their release in the event of arrest in Crime No. 134 of 2013 of Police Station Adhibatia, Rachakonda District.

The Petition coming on for hearing, upon perusing the petition and the grounds filed therein and upon hearing the arguments of Sri K.Surender, Advocate for the Petitioners and of the Public Prosecutor (TG) for the Respondent, the Court made the following

ORDER:

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CRIMINAL PETITION No.13240 of 2018

ORDER:

This is an application by the petitioners/Accused Nos.3 and 4 under Section 438 of Code of Criminal Procedure, 1973, requesting to grant anticipatory bail in case in Crime No.134 of 2013 on the file of Adhibatla Police Station, Rachakonda District (originally Meerpet Police Station, Cyberabad), registered for the offences punishable under Sections 324, 342, 382 and 506 r/w 34 I.P.C.

2. I have heard the submissions of Sri K. Surender, learned counsel for the petitioners/Accused Nos.3 and 4, and of the learned Public Prosecutor appearing for the respondent-State. I have perused the material record including the copy of the FIR in the instant crime, the copy of the FIR in case in Crime No.132 of 2013 on the file of Meerpet Police Station, Cyberabad, registered on 03.03.2013 at 16:30 hours on the information of Syed Anwar.

3. Learned counsel for the petitioners/Accused Nos.3 and 4 brings to the notice of the Court the civil litigation, which is pending, the copies of which are filed along with the material papers and further submits that though the petitioners herein and others filed applications before this Court for quashing of the subject FIR and stay orders were obtained about more than six months back, the Investigating Agency being of the opinion that the stay orders, which are granted beyond a period of six months automatically stand vacated in view of the orders of the Supreme Court, arrested Accused No.2, and therefore, the petitioners herein also apprehend imminent arrest at the hands of the police. He would also submit that the present crime is a counterblast to the case in Crime No.132 of 2013

on the file of Meerpet Police Station, Cyberabad, and that the dispute between the parties is purely a land dispute and that the fact that the informant and his associates lost all civil suits before the Civil Court is suppressed before the police and that the criminal cases are got registered by misrepresenting the facts before the police authorities.

4. Learned Public Prosecutor strongly opposed for granting anticipatory bail and stated that the allegations in the FIR sufficiently show the complicity of the accused and that though the crime was registered on 04.03.2013, there is no progress in the investigation because of the stay orders obtained in the quash proceedings.

5. Having regard to the facts and submissions, this Court is satisfied that this is a fit case to grant relief to the petitioners/Accused Nos.3 and 4, as their apprehension of an imminent arrest by the Police is well founded and appears to be based on a reasonable belief.

6. In the result, the Criminal Petition is allowed. The petitioners/Accused Nos.3 and 4 are directed to be released on bail in the event of their arrest in case in Crime No.134 of 2013 on the file of Adhibatla Police Station, Rachakonda (originally Meerpet Police Station, Cyberabad), on the condition of their executing personal bonds for a sum Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each in a like sum each to the satisfaction of the Police Officer effecting arrest and on the further condition that they shall make themselves available to the Police and co operate with them during investigation.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The SHO, Adhibatla Police Station, Rachakonda District.
2. Two CCs to the Public Prosecutor (TG), High Court, Hyd(OUT)
3. One CC to Sri K.Surender, Advocate (OPUC)
4. One spare copy.

SAH

HIGH COURT

MSRMJ

DATED: 24-12-2018

ORDER

CRL.P.NO. 13240 OF 2018

ANTICIPATORY BAIL

