

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD



WEDNESDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

CRL.P. NO: 2132 OF 2019

Between:

1. L.Malles, S/o. Shivaram
2. C.Venkatappa S/o Ramappa

..... Petitioners/Accused No.5 & 6

AND

The State of Telangana, Rep. by its Public Prosecutor High Court of Telangana
at Hyderabad.

.....Respondent

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 enlarge the Petitioners on bail in the event of their arrest in Connection with FIR No. 24/2019 on the file of PS Basheerabad Vikarabad District.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri RAJAGOPALLAVAN TAYI, Advocate for the Petitioner, and of Public Prosecutor for the respondent, the Court made the following.

ORDER

HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.2132 OF 2019

ORDER:

1 The petitioners are A.5 and A.6 in Crime No.24 of 2019 on the file of Basheerabad Police Station, Vikarabad District, registered under Sections 420, 465, 468, 471, 419, 406 and 120-B IPC. By way of this petition, they seek anticipatory bail under Section 438 CrPC.

2 Perusal of the record reflects that the only allegation against the petitioners / A.5 and A.6 is that they signed as attesting witnesses to two documents knowing fully well that the person who executed them was impersonating the named executant. This aspect of the matter would have to be established during the course of trial.

3 When this matter was taken up for hearing on 25.4.2019, Mr. Mahesh Raje, learned counsel, informed this Court that he was instructed to file an implead petition on behalf of the *de-facto* complainant. To enable him to do so, the matter was adjourned to 29.04.2019. Again, as the learned counsel sought more time to file an implead petition, the matter was adjourned to 30.04.2019.

4 Today, Sri G. Prasanth, learned counsel representing Sri Mahesh Raje, learned counsel, would inform this Court that an Implead petition has already been filed but it is yet to be numbered. He would further state that as the petitioners/A.5 and A.6 belong to the same village, they must be presumed to have the knowledge that the executant of the documents was impersonating some one else.

5 It is premature for this Court to go into these aspects. As a limited role is attributed to the petitioners / A.5 and A.6 in the commission of the offence,

this Court is of the opinion that they can be enlarged on pre-arrest bail subject to conditions.

6 The Criminal Petition is accordingly allowed. In the event of arrest of the petitioners/A.5 and A.6 in Crime No.24 of 2019 on the file of Basheerabad Police Station, Vikarabad District, they shall be enlarged on bail upon their furnishing personal bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties for a like sum each, to the satisfaction of the Station House Officer, Basheerabad Police Station, Vikarabad District. The petitioners /A.5 and A.6 shall however abide by the conditions prescribed in Section 438 (2) CrPC, and report before the Station House Officer, Basheerabad Police Station, on every Monday between 9.00 AM and 11.00 AM till the filing of the final report / charge-sheet.

//TRUE COPY//

Sd/- K.SAILESHI
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The Station House Officer, Police Station Basheerabad Vikarabad District
2. Two CCs to the Public Prosecutor, High Court at Hyderabad (OUT)
3. One CC to Sri RAJAGOPALLAVAN TAYI, Advocate (OPUC)
4. One spare copy.

HIGH COURT

SK,J

DATED: 01.05.2019

ORDER:

CRLP. NO:2132 of 2019

BAIL

