

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE EIGHTH DAY OF MAY TWO THOUSAND AND NINETEEN

:PRESENT:
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION NO: 2605 OF 2019



Between:

1. Advala Rajashankar, S/o. Chinna Gangaram, Age 38 years, Cate Munnuru Kapu, Occ. Agriculture, R/o. Badhankurthi village.
2. Poojari Sailu, S/o. Yellaiah, Age 30 years, Caste. Waddera, Occ. Coolie, R/o. Mogilipet Village, Mallapur Mandal, Dist. Jagityal.
3. Darangula @ Devella Sailu, S/o. Nagaiah, Age 28 years, Caste Waddera, Occ Coolie, R/o. Mogilipet Village Mallapur Mandal, Dist. Jagityal.

Petitioners/Accused No.1 to 3

AND

The State of Telangana, Through S.H.O. P.S Khanapur, 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 affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioner on bail in FIR No.72/2019 of P.S.Khanapur or direct Police Khanapur to release the petitioners on bail in the event of their arrest in above crime.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri KONDADI AJAY KUMAR, Advocate for the Petitioners, PUBLIC PROSECUTOR (TG) for the Respondent, the Court made the following.

ORDER:

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION No.2605 of 2019

ORDER:

The petitioners are accused Nos.1 to 3 in Crime No.72 of 2019 on the file of Khanapur Police Station, Nirmal District, registered for the offence under Section 436 I.P.C. read with Section 34 I.P.C. By way of this petition filed under Section 438 Cr.P.C., the petitioners seek grant of anticipatory bail.

Learned counsel for the petitioners contended that the petitioners were earlier arrested on 03.4.2019 in relation to Crime No.46 of 2019 on the file of Khanpur Police Station and were released on regular bail on 22.4.2019. He further contended that the *de facto* complainant gave a complaint to the Police on 23.4.2019 alleging that the petitioners have burnt his cattle shed and he waited for more than one month expecting that the petitioners would pay compensation to him but as the petitioners have not paid any compensation, the *de facto* complainant has filed a complaint on 23.4.2019 and based upon the said complaint, the police have registered a case in Crime No.72 of 2019 and therefore, the petitioners are falsely implicated in this case.

Learned counsel for the petitioners further contended that the petitioners are agriculturists and are law abiding citizens and that they would cooperate with the investigating authorities as and when required and prayed for grant of anticipatory bail to the petitioners.

Learned Assistant Public Prosecutor contended that the investigation is still in progress and the case of the petitioners can be considered for grant of anticipatory bail by imposing certain strict conditions.

This Court, having considered the rival submissions is of the considered view that the petitioners are entitled to grant of anticipatory bail.

The Criminal Petition is accordingly allowed. In the event of arrest of the petitioners, accused Nos.1 to 3 in Crime No.72 of 2019 on the file of Khanapur Police Station, Nirmal District, they shall be released on bail upon their furnishing a personal bond for a sum of Rs.5,000/- (Rupees Five thousand only) each along with two sureties for a like sum each to the satisfaction of the Station House Officer, Khanapur Police Station, Nirmal District. They shall report before the Station House Officer, Khanapur Police Station, Nirmal District, on the first day of every month between 9 am and 10 am till the filing of the final report/charge sheet. The petitioners shall cooperate with the investigating authorities as and when required and shall also abide by the conditions prescribed in Section 438 (2)

//TRUE COPY//

Sd/- K.SAILESHI
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Addl. Judicial First Class Magistrate at Nirmal.
2. The Station House Officer, P.S. Khanapur.
3. One CC to SRI KONDADI AJAY KUMAR, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR (TG), High Court at Hyderabad [OUT]
5. One spare copy

HIGH COURT

AKS,J

DATED:08/05/2019

ORDER

CRLP.No.2605 of 2019

BAIL

