

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE FOURTH DAY OF JUNE
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 2760 OF 2019



Between:

Sunil Anil Madiwala, S/o. Anil Chandu Madiwala,

Petitioner/Accused No.6

AND

The State of Telangana, Through P.S Keesara, Represented by its Public
Prosecutor, High court, Hyderabad

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the ground filed in the Criminal Petition, the High Court may be pleased to grant Anticipatory bail to the petitioner /Accused No. 6 and direct the Police to enlarge the petitioner on bail in the event of his arrest in FIR No.546 of 2018 on the file of P.S.Keesara, at Rachakonda in the interest of justice.

COUNSEL FOR THE PETITIONER: SRI MD SULTANA BASHA

COUNSEL FOR THE RESPONDENT: PUBLIC PROSECUTOR

ORDER

CRIMINAL PETITION No.2760 of 2019ORDER :

The petitioner, who is accused No.6, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.546 of 2018 of Keesara Police Station, Rachakonda Commissionerate, registered for the offence punishable under Section 379 IPC and Section 15(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Amendment Act, 2011.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State. Perused the material on record.

It is contended by the learned counsel for the petitioner that the petitioner is innocent and nothing to do with the alleged offence and he is falsely implicated in the above case. It is further submitted that as per the prosecution, the petitioner/A.6 has dug the tunnel with the help of tools, which is a concocted story created by the co-accused to avoid themselves from the process of law and to implicate the petitioner with a grudge. It is further submitted that the petitioner was asked to attend R.C.F. Police Station, Mumbai, on 31.03.2019 and in compliance of the same he attended before Senior Inspector of Police R.C.F. Police Station, Mumbai, on 01.04.2019, and was interrogated till 7.00 p.m. on that day and he was granted transit anticipatory bail for a period of one month from the date of order. It is further

submitted that the petitioner subsequently filed anticipatory bail before the XVI Additional Metropolitan Sessions Judge, Malkajgiri and the same was dismissed on 16.05.2019 without appreciating the facts of the case. Therefore, he prayed to grant anticipatory bail to the petitioner.

Having regard to the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner on certain terms and conditions.

Accordingly, the criminal petition is allowed and the petitioner is directed to surrender before the Station House Officer, Keesara Police Station, Rachakonda Commissionerate, within a period of fifteen days from today and on such surrender, the petitioner shall be released on bail on his executing personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, the petitioner shall appear before the said Station House Officer on every Sunday between 10.00 a.m. and 12.00 Noon till filing of the charge sheet.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. XVI Additional District and Sessions Judge, Cum XVI Additional Metropolitan Sessions Judge, Ranga Reddy District At Malkajgiri
2. The Station House Officer, Keesara, Rachakonda,
3. One CC to SRI. MD SULTANA BASHA Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
5. One Spare Copy

HIGH COURT

GSDJ

DATED:04/06/2019

ORDER

CRLP.No.2760 of 2019

BAIL

