

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SEVENTEENTH DAY OF JUNE TWO THOUSAND AND NINETEEN

**:PRESENT:**  
**THE HONOURABLE JUSTICE G SRI DEVI**

**CRIMINAL PETITION NO: 2948 OF 2019**



**Between;**

Balaram, S/o. late Tuljappa,

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

**AND**

The State of Telangana, Rep., by SHO., P.S., Hadnoor, through Public Prosecutor, High Court, 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 grant Anticipatory Bail to the Petitioner or Accused No.2 in Cr.No. 44 of 2019 dated 15/04/2019 for the U/s. 420 IPC on the file of PS Hadnoor, Sangareddy District;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of C M R VELU Advocate for the Petitioner, PUBLIC PROSECUTOR, for the Respondent the Court made the following.

**ORDER:**

**THE HON'BLE JUSTICE G.SRI DEVI**

**Criminal Petition No.2948 of 2019**

**ORDER:**

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2, for grant of anticipatory bail in the event of his arrest in Crime No.44 of 2019 of Hadnoor Police Station, Sangareddy District, registered for the offence punishable under Section 420 of IPC.

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

3. The case of the prosecution, in brief, is that A.1 in this crime worked as Clerk/Record Assistant in Irrigation Department. He purchased land in an extent of Acs.4.20 guntas in Survey No.9/A situated in the outskirts of Humanpur Village, Nyalkal Mandal from one R.Srinivas, under a registered sale deed No.7821 of 2010. On 27.01.2011, the ACB authorities at Hyderabad registered a case against A.1, vide FIR No.1/ACB-CIU-HYD/2011 under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988, alleging that A.1 is in possession of assets, which are disproportionate to his known sources of income. Thereafter, basing on the application made by ACB authorities, the property of A.1 was attached by the learned I Additional Special Judge for SPE and ACB Cases, Hyderabad. A.1 received the copy of the attachment order on 10.12.2013. The ACB authorities have also addressed a letter, vide RC No.01/ACB-CIU-HYD/2011, dated 23.02.2011, to the Sub-Registrar, Zaheerabad, to stop further transactions with regard to the

properties owned by A.1. The petitioner/A.2 received the letter on 05.03.2011 and he also gave a reply through Lr.No.43/2011, dated 09.03.2011. In spite of receipt of letter from ACB authorities and acknowledging the same, the petitioner/A.2, who was working as Sub-Registrar, Zaheerabad, at that particular point of time, ignored the attachment order and did not enter the same in the prohibited list of the Sub-Registrar's office. Taking advantage of the same, A.1 sold the land to different persons and cheated them. Basing on the complaint given by the de-facto complainant, the instant case is registered for the offence under Section 420 of IPC.

4. The learned counsel for the petitioner/A.2 would submit that the petitioner/A.2 worked as Sub-Registrar, Zaheerabad, only for four to five months during the year 2011. In the year 2012, he was transferred to Mahabubnagar and later, he retired from service in the same year, i.e., 2012. The alleged fraudulent registration of the land, which was under attachment by a Court, took place on 18.04.2018 and as such, the petitioner/A.2 has nothing to do with the same. The petitioner/A.2 was honest in his duties throughout his service as Sub-Registrar, Zaheerabad. The petitioner/A.2 is implicated in the instant case after seven years of his retirement from service on the ground that he did not record the attachment order passed by the ACB Court in respect of certain agricultural land, in the office records. A.1 in this crime was arrested and released on bail. The entire case is based on documentary evidence. The petitioner/A.2 was not the custodian of the records in the office of the Sub-Registrar, Zaheerabad, from the year 2011 to 2018. The petitioner is aged 65 years and is suffering from old age ailments and

ultimately prayed to grant anticipatory bail to the petitioner/A.2 under Section 438 of Cr.P.C.

5. The learned Additional Public Prosecutor representing the respondent-State conceded that the petitioner/A.2 was not the Sub-Registrar, Zaheerabad, at the relevant point of time and that A.1 in this crime was already released on bail.

6. Looking into the nature of the allegations levelled against the petitioner/A.2 and the gravity of offence, I am inclined grant anticipatory bail to him under Section 438 of Cr.P.C., on some conditions.

7. Accordingly, the petitioner/A.2 is directed to surrender before the Station House Officer, Hadnoor Police Station, Sangareddy District, within a period of 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 a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the said Station House Officer. After release on bail, the petitioner/A.2 shall cooperate with the investigating agency in the investigation of the case.

8. The Criminal Petition is, accordingly, allowed.

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

**SD/- N.PURUSHOTHAM REDDY**  
**ASSISTANT REGISTRAR**

//TRUE COPY//

*[Signature]*  
For ASSISTANT REGISTRAR

To,

1. The Judge Family-cum-VII Additional District & Sessions Judge at Sanga Reddy
2. The SHO., P.S., Hadnoor, Sanga Reddy District.
3. One CC to SRI. C M R VELU Advocate [OPUC]
4. One CC to PUBLIC PROSECUTOR, Advocate [OPUC]
5. One spare copy

HIGH COURT

GSDJ

DATED:17/06/2019

ORDER

CRLP.No.2948 of 2019

BAIL



2