

**HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

WEDNESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND NINETEEN

**:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 7564 OF 2019**

Between:

Srikanth Reddy Komma, S/o.K.Somalinga reddy,

Petitioner/Accused No.2

AND

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

Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to release the petitioner on bail in the event of his arrest in connection with the FIR No.443 of 2018 on the file of the PS Gachibowli, Cyberabad in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI P VAMSHEEDHAR REDDY Advocate for the Petitioner and the ADDITIONAL PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7564 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A2, seeking anticipatory bail in Crime No.443 of 2018 on the file of the S.H.O., Gachibowli Police Station, Cyberabad District, registered for the offences punishable under Sections 417, 420, 468, 471 and 120 (b) IPC.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. The case of the prosecution is that on 28.05.2018, the de facto complainant let out the premises bearing No.4-25/2 (old No.4-21) consisting 47 rooms to the petitioner and his wife on a monthly rent of Rs.24,000/-, payable on or before 10th of every calendar month. The tenant has paid rent up to September, 2017 and since October, 2017, the tenants are in default for payment of rent. When the complainant demanded to pay the rents, they filed a false suit in O.S.No.615 of 2018 on the file of VIII ASJ, RR District, by creating a rental receipt, dated 08.03.2018 by forging his signature on rent receipt and as he received the notice from the court. On verification of receipt, he found that his signature on the receipt is forged one. Basing on the complaint, this case is registered.

4. Learned counsel for the petitioner submits that even if the entire complaint is taken into consideration, no offence is made out against the petitioner for the above offences. He further submits that the de facto complainant originally took the premises on lease and subsequently, let out the same on sub-lease to the petitioner and other accused. Despite receipt of rents from the petitioner, the de facto complainant was venturing various illegal methods to vacate the petitioner illegally, for which, the petitioner has filed a suit O.S.No.615 of 2018 seeking to restrain the de facto complainant from dispossessing the petitioner illegally without due process of law and obtained an ex parte interim injunction. He further submits that subsequently notice was served on the de facto complainant and the de facto complainant took several adjournments and lastly, the interim order was extended till 18.02.2020 by an order, dated 30.10.2019. He further submits that suppressing the said fact and in order to take vengeance against the petitioner and his family members, the present complaint is filed and under the guise of said complaint with the help of police, the de facto complainant is trying to dispossess the petitioner and take custody of portion, which is in occupation of the petitioner illegally and coercion. He further submits that the petitioner is a law abiding citizen and willing to furnish suitable sureties. Hence, he prays to grant anticipatory bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

6. Looking into the nature of allegations made against the petitioner and also keeping in view the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner by imposing some conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/A2 is directed to be released on bail in the event of his arrest in connection with Crime No.443 of 2018 of Gachibowli Police Station, Cyberabad District, on his executing a personal bond for Rs.15,000/- (Rupees fifteen thousand only) with two local sureties for a like sum each to the satisfaction of the said Station House Officer and subject to the condition that the petitioner/A2 would cooperate with the investigation Agency and would report before the above Police Station, on every Sunday between 10-00 a.m. and 5-00 p.m. till filing of charge sheet. Miscellaneous petitions, if any pending, shall stand closed.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The XXV Metropolitan Magistrate, Kukatpally at Prashanathi Nagar, Cyberabad.
2. The Station House Officer, Gachibowli PS, Cyberabad.
3. One CC to SRI. P VAMSHEEDHAR REDDY Advocate [OPUC]
4. Two CC to PUBLIC PROSECUTOR, High Court at Hyderabad.[OUT]
5. One Spare Copy

HIGH COURT

GSDJ

DATED:04/12/2019

ORDER

CRLP.No.7564 of 2019

BAIL

