

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CRL.P. NO: 7557 OF 2019

Between:

1. Sri N.Anil Kumar S/o. Sri.N.Badarinarayanacharyulu
2. Smt.Padma Mithra W/o. Sri.N.Badarinarayana Charyulu,

..... Petitioner/Accused 1 & 2

AND

The State of Telangana, through Public Prosecutor, High Court of Telangana
Hyderabad

.....Respondent/Complainant

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 grant anticipatory bail to the petitioners/accused No.1 and 2 pending investigation and trial in Crime No.629 of 2019, dated 11-5-2018, of P.S Rajendra Nagar, R.R.District (Rachakonda).

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri M V Hanumantha Rao, Advocate for the Petitioners, and of Additional Public Prosecutor for the respondent, the Court made the following.

ORDER

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION No.7557 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioners/Accused Nos.1 & 2 for grant of anticipatory bail in the event of their arrest in Crime No.629 of 2019 of Rajendranagar Police Station, Cyberabad, registered for the offences punishable under Sections 406 & 420 I.P.C.

2. The case of the prosecution is that on 11.05.2019, the Branch Manager, SBI, lodged a complaint stating that A-1 has approached their bank for housing loan, for which the bank agreed to sanction loan of Rs.35,00,000/- and after verification, has disbursed loan to A-1 on 01.10.2018. Since A-1 was residing in Riyadh, he gave GPA to his mother Smt. N.Padma, who is A-2, for process of the above loan. A-1 paid three installments and thereafter committed default and his account has been declared as NPA on 31.03.2018 and thereafter came to know that the Government has acquired entire land, including the plot of A-1 in the year 2006 and by suppressing the said fact, A-1 in collusion with his vendor, has obtained loan. Hence, the complainant lodged a complaint against A-1 & A-2. Basing on the said complaint, the police registered the above said crime for the aforesaid offences.

3. Heard learned counsel for the petitioners/A-1 & A-2 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

4. Learned counsel for the petitioners/A-1 & A-2 contends that A-1 is a *bona fide* purchaser and that he lodged complaint against the vendor before the police concerned, who in turn, registered a case and that he has not suppressed about acquiring land by the Government in the year 2006 and that the petitioners are no way concerned with the alleged offences and they have been falsely implicated in the above said crime. It is further contended that the petitioners/A-1 & A-2 are ready to abide by any of the conditions imposed by this Court and would co-operate with the investigation, if they are released on anticipatory bail in the event of their arrest in connection with the aforesaid crime.

5. On the other hand, learned Additional Public Prosecutor opposed the relief sought in the above petition.

6. Having regard to the nature of allegations and the gravity of offences alleged, the petitioners/A-1 & A-2 can be granted bail under Section 438 Cr.P.C on some conditions.

7. Accordingly, the petitioners/A-1 & A-2 are directed to surrender before the Station House Officer, Rajendranagar Police Station, Cyberabad, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Rajendranagar Police Station, Cyberabad, shall release the

petitioners/A-1 & A-2 on bail on their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer. On such release, the petitioners/A-1 & A-2 shall attend before the said Station House Officer as and when required and shall abide by the conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigation Officer in concluding investigation.

8. Accordingly, the Criminal Petition is allowed.

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

//TRUE COPY//

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The III Additional District & Sessions Judge-cum-Addl. Metropolitan Sessions Judge, Cyberabad at L.B.Nagar, Ranga Reddy District
2. The XIV Additional Metropolitan Magistrate, Cyberabad at Ranjendranagar
3. The Station House Officer, Rajendra Nagar Police Station, R.R.District (Rachakonda)
4. Two CCs to the Public Prosecutor, High Court at Hyderabad (OUT)
5. One CC to Sri M V Hanumantha Rao, Advocate (OPUC)
6. One spare copy.

HIGH COURT

TA,J

DATED: 03.12.2019

ORDER:

CRLP. NO:7557 of 2019

BAIL

