

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**

CRIMINAL PETITION NO: 7644 OF 2019

Between:

G.Katam Raju, S/o. Chandraiah.

Petitioner/Accused NO.1

AND

The State of Telangana, Rep by its Public Prosecutor, through PS, Chintapally, High Court of Telangana, Hyderabad

Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the Criminal Petition, the High Court may be pleased to release the petitioner/accused No.1 on bail in the event of his arrest in Crime No.228 of 2018 of P.S. Chintapally, Nalgoda District, in the interest of justice.

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

ORDER:

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION No.7644 of 2019

ORDER:

This Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/ A1 on pre-arrest bail in connection with Crime No.228 of 2018 on the file of the Station House Officer, Chintapally Police Station, Nalgonda District, registered for the offences punishable under Section 379 IPC and Section 3 PDPP Act.

2. The case of the prosecution, in brief, is that the petitioner along with others is transporting the sand illegally without any permission and that he is performing bike patrolling to support the illegal sand transport and that he picked up quarrel with the police and took away his brother Srishailam/A2 on his bike and escaped from the spot.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

4. Learned counsel for the petitioner submitted that in view of the bail was granted to A.1 and A.2 in this case and that the petitioner is only rider of the bike and that the petitioner was implicated in the crime on the ground that the petitioner quarrelled with the police and took away his brother and that the petitioner is no way connected with the offences and that no material was seized from him as on today and therefore, there is no possibility of fleeing from justice after obtaining bail to avoid trial of the case and hence, prayed to grant anticipatory bail with conditions.

5. Learned Additional Public Prosecutor opposed to grant anticipatory bail to the petitioner.

6. A perusal of the material available on record, the petitioner was piloting the Bolero vehicle bearing No.TS 07 UE 0626, which was transporting sand illegally and that the petitioner was not directly involved in transporting the sand illegally. Since the bail was granted to A2 and A3, the petitioner is also entitled for anticipatory bail on some conditions.

7. Taking into consideration of facts and circumstances of the case, this Criminal Petition is allowed directing the petitioner to surrender before the Station House Officer, Chintapally Police Station, Nalgonda District and the said Station House Officer is directed to release the petitioner/A1, in the event of his arrest, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties for a like sum i.e. Rs.1,00,000/- each to the satisfaction of the Station House Officer, Chintapally Police Station, Nalgonda District. Further, he shall report to the Station House Officer, Chintapally Police Station, Nalgonda District, on every alternate day between 10.00 am and 02.00 PM for a period of three months or till filing of charge sheet, whichever is earlier.

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

//TRUE COPY//

SD/- N. CHANDRASEKHARA RA
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Devarakonda.
2. The Station House Officer, Chinthapally P.S., Nalgonda District.
3. One CC to SRI PRAVEEN KUMAR VEERJALA, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR (TG), High Court at Hyderabad. (OUT)
5. One spare copy

HIGH COURT

TA,J

DATED:03/12/2019

ORDER

CRLP.No.7644 of 2019

BAIL



2