

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

FRIDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND NINETEEN

**:PRESENT:
THE HON'BLE JUSTICE G SRI DEVI**

CRIMINAL PETITION NO: 7751 OF 2019

Between:

Shaik Ayub, S/o Late Mahabub,

....Petitioner/Accused No.1

AND

State of Telangana, Rep.by its Public Prosecutor High Court at Hyderabad For State of
Telangana.

....Respondents

Petition under Sections 437 & 439 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 enlarge the Petitioner/Accused No.1 on bail in C.C.No.490 of 2017 on the file of the JMFC, Chevella for offence U/s 379 of IPC.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of MR.A.NAJEEB KHAN Advocate for the Petitioner and ADDL.PUBLIC PROSECUTOR (TG) for Respondent, the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.7751 of 2019

ORDER:

The petitioner-A1 filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to him in C.C.No.490 of 2017 on the file of Judicial First Class Magistrate, Chevella Police Station, Ranga Reddy District, registered for the offence under Section 379 IPC.

2. The case of the prosecution is that on 09.04.2016 at about 9.30 PM., one Kavali Satyanarayana made a phone call to the de-facto complainant that three unidentified persons were damaging the fencing pipes fixed around his agricultural field and also the adjacent agricultural land and they took those pipes in an auto bearing No.AP-26 X-7228 and when they were trying to escape, the villagers caught hold and beat them.

3. Learned counsel for the petitioner/A1 submits that the petitioner has not committed any offence as alleged by the prosecution and that as he could not attend the Court due to his ill health and financial constraints, NBW was issued in the aforesaid case and he was arrested on 13.09.2019 and sent to judicial remand. He further submits that the bail applications filed by the petitioner were dismissed by the Court below. He further submits that the petitioner shall abide by the terms and conditions imposed by this Court and he shall furnish sufficient sureties to the satisfaction of the Court. He also submits that the case against A2 and A3 was separated and the same was disposed of by the trial Court.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner/A1.

5. As seen from the material on record, the case against the other accused was separated and the same was disposed of after trial. In view of the nature of allegations levelled against the petitioner/A1 and other facts and circumstances of the case, without adverting to the merits of the matter, I am inclined to grant bail to him on certain terms and conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/A1 shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Chevella. Further, the petitioner/A1 shall not indulge in any similar type of activities in future; shall not tamper with the prosecution witnesses; and shall not misuse the liberty granted to him.

7. As a sequel, miscellaneous applications, if any pending, shall stand closed.

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SD/- K.SAILESHI
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The XII Additional District and Sessions Judge, Vikarabad, Ranga Reddy District.
2. The Judicial First Class Magistrate, Chevella.
3. The Superintendent, Sub-Jail, Parigi.
4. The Station House Officer, Chevella Police Station, Ranga Reddy District.
5. One CC to MR.A.NAJEEB KHAN Advocate [OPUC]
6. Two CCs PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
7. One spare copy

HIGH COURT

GSD.J

DATED: 06.12.2019

CRL.P.NO.7751 OF 2019

BAIL



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