

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

**WEDNESDAY, THE ELEVENTH DAY OF DECEMBER TWO THOUSAND AND
NINETEEN**

:PRESENT:

**THE HONOURABLE JUSTICE G SRI DEVI -
CRIMINAL PETITION NO: 7854 OF 2019**

Between:

Ameer Faisal, S/o Lukman Anwar

Petitioner/Accused 42

AND

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

Respondent/Complainant

Petition under Section 437 & 439 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 enlarge the petitioner or Accused No.1 on bail in PRC.No. 62 of 2016 pending on the file of VI Addl. Chief Metropolitan Magistrate, Hyderabad pending disposal of trial

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MOHD MUZAFFER ULLAH KHAN Advocate for the Petitioner, THE PUBLIC PROSECUTOR for the Respondent and the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7854 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 P.R.C.No.62 of 2016 on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences under Sections 489-B and 489-C IPC.

2. The case of the prosecution is that on 05.02.2014 at about 11.30 hours, while the Sub-Inspector of Police, Langer House Police Station, and his staff were conducting vehicle check near Sha Ghouse Hotel, Tolichowki, Hyderabad, they found the petitioner/A1 on suspicious manner, and on his apprehension, A1 revealed that he is in possession of bundle of thousand rupee fake Indian currency, which was procured from his friend Dinesh-A2, for exchanging the same, and he was waiting for a party. Thereafter, the police seized the said currency and registered a case in Cr.No.59 of 2014 on the file of Langer House Police Station, Hyderabad, for the offences under Sections 489(B) and 489(C) IPC.

3. Learned counsel for the petitioner/A1 submits that after completion of investigation, the police filed charge sheet and the same was numbered as P.R.C.No.62 of 2016, wherein NBWs were issued to the petitioner on 03.05.2018 due to his non-appearance, and thereupon, he filed CrI.P.No.7204 of 2019 seeking to recall the NBW pending against him, and this Court, by order dated 11.11.2019, directed him to surrender before the concerned Court and file a recall petition within seven days, and thereafter, the

petitioner surrendered before the Court below and filed a recall petition on 15.11.2019, but the same was dismissed by remanding him to judicial custody, and subsequently, he filed a regular bail application before the II Additional Metropolitan Sessions Judge, Hyderabad, but the same was also dismissed on 29.11.2019. Learned counsel further submits that mere issuance of NBW against the petitioner does not amount to cancellation of bail as per the decision of this Court in **Dasari Satyanarayana v. State of Andhra Pradesh**¹ and the Court below has failed to take into consideration the said principle of law and erroneously dismissed the recall petition as well as regular bail application. He also submits that the petitioner is ready to abide by any condition imposed by this Court.

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

5. In view of the nature of allegations levelled against the petitioner/A1 and other facts and circumstances of the case, without advertng to the merits of the matter, I am inclined to grant bail to him on certain terms and conditions.

6. The Criminal Petition is allowed and the petitioner/A-1 shall be released on bail on the following terms and conditions:

- (i) That the petitioner/A-1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the VI Additional Chief Metropolitan Magistrate, Hyderabad.
- (ii) that the petitioner/A-1 shall not indulge in any similar type of activities, in future;

¹ 2014(2) ALD (CrL) 228

- (iii) that the petitioner/A-1 shall not tamper with the prosecution witnesses;
- (iv) that the petitioner/A-1 shall co-operate with the investigating agency.
- (v) that the petitioner/A-1 shall not misuse the liberty granted to him.
- (vi) that the petitioner/A-1 shall appear before the Court concerned personally on each date of hearing till conclusion of trial, and in case of his non-appearance on any adjournment without any valid ground or supporting documentary evidence, his bail shall stand cancelled.

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

SD/- CH. VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The VI Additional Chief Metropolitan Magistrate, Hyderabad
2. The Superintendent, Central Prison, Chanchalguda, Hyderabad
3. One CC to SRI. MOHD MUZAFFER ULLAH KHAN Advocate [OPUC]
4. Two CC's to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
5. One spare copy

Avs

HIGH COURT

GSDJ

DATED:11/12/2019

ORDER

CRLP.No.7854 of 2019

BAIL

