

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

WEDNESDAY, THE TENTH DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY ONE

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

IA No. 4 OF 2020
IN
CRL. P NO: 2424 OF 2020

Between:

B. Sudhakar Rao, S/o B. Prabhakar Rao

...Petitioner
(Petitioner in Crl.P. No. 2424 of 2020
on the file of High Court)

AND

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

...Respondent
(Respondent in-do-)

Petition filed under Section 482 of Cr.P.C. praying that in the circumstances stated in the Petition, the High Court may be pleased to relax the condition imposed on 16-06-2020 in Criminal Petition No. 2424 of 2020 and subsequent reliefs passed by the above Hon'ble Court in IA. No.1 of 2020, dated 22-07-2020 and IA. No. 2 of 2020, dated 07-10-2020;

Crl. P. NO: 2424 OF 2020:

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Criminal Petition, the High Court may be pleased to grant anticipatory bail to the petitioner in Crime No. 378/2020, PS Sanjeeva Reddy Nagar, Hyderabad, for Offences u/s 406, 420 of IPC, in the event of his arrest, on such terms and conditions as this Hon'ble Court deems fit and proper in the circumstances of the case, in the interest of justice;

The petition coming on for hearing, upon perusing the Petition filed herein, and the orders of the High Court dated 16.06.2020 made in Crl.P. No. 2424 of 2020, dated 22-07-2020, made in IA. No.1 of 2020, dated 07-10-2020 made in IA. No 2 of 2020, and upon hearing the arguments of Sri Gopala Krishna Kalanidhi, Advocate for the Petitioner and of the Public Prosecutor for the Respondent, the Court made the following.

ORDER:

"This petition is filed to relax the condition imposed on 16.06.2020 in Criminal Petition No.2424 of 2020 and subsequent reliefs passed by this Court in I.A.No.1 of 2020, dated 22.07.2020 and I.A.No.2 of 2020 dated 07.10.2020.

Heard both sides and perused the record.

A perusal of the record would show that by an order, dated 16.06.2020, this Court granted anticipatory bail to the petitioner, wherein the Counsel for the petitioner made a submission that due to lock down period, the amounts which have already been disbursed by the petitioner, could not be collected and the petitioner is ready to repay the balance amount to the *de facto* complainant, if sometime is given to him. It would be apt to reproduce the relevant paragraph of the order, which reads thus:

"The petitioner/accused shall repay the balance amount of Rs.27.00 lakhs to the *de facto* complainant in three monthly instalments i.e., Rs.9.00 lakhs each on 16.07.2020, 16.08.2020 and 18.09.2020 positively without seeking any unnecessary adjournments to repay the same. If the petitioner fails to deviate in payment of the said amount as directed, the liberty granted to him shall automatically stand cancelled and he shall be taken into custody forthwith."

The record further discloses that the petitioner filed I.A.No.1 of 2020 to extend reasonable time of six months to repay the said amount. By an order, dated 22.07.2020, this Court directed the petitioner to repay the amount of Rs.27.00 lakhs to the *de facto* complainant in three monthly instalments i.e., Rs.9.00 lakhs each on 16.08.2020, 18.09.2020 and 19.10.2020 positively and it is also observed that no further extension of time will be granted. Aggrieved by the same, the petitioner herein filed Petitions for Special Leave to Appeal (Crl.) Nos.3639-3640 of 2020 before the Supreme Court of India. By an order, dated 14.08.2020, the Apex Court while permitting the petitioner to withdraw the said Special Leave Petitions granted liberty to him to approach the High Court for extension of time to pay the amount in terms of the impugned order. Thereafter, the petitioner filed I.A.No.2 of 2020 seeking extension of time to repay the amount of Rs.27.00 lakhs. By an order, dated 07.10.2020, this Court modified the order, dated 16.06.2020, which was modified by order, dated 22.07.2020, as follows:-

"The petitioner shall pay the balance amount of Rs.27.00 lakhs to the *de facto* complainant within one month from today. The petitioner is at liberty to pay the entire amount either in lump sum or by instalments, but he shall clear the entire balance amount within one month from today. It is made clear that no further extension of time will be granted."

Without complying with the aforesaid condition, the petitioner again filed the present I.A. seeking relaxation of the same. Initially, the petitioner filed petitions seeking extension of time to pay the amount in instalments, but now, he seeks relaxation of the entire condition. Since this Court in the aforesaid orders made it clear that no further extension of time will be granted to pay the amount as directed and as the *de facto* complainant also filed a petition seeking cancellation of anticipatory bail granted to the petitioner/accused on the ground that he failed to comply with the condition of payment of the aforesaid amount, I see no ground to relax the said condition.

Accordingly, the I.A. is dismissed."

//TRUE COPY//

SD/-B. SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, S.R.Nagar PS., Hyderabad.
3. One CC to Sri Gopala Krishna Kalanidhi, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
5. One spare Copy

HIGH COURT

GSD,J

DATE: 10-11-2021

ORDER

L.A. NO. ⁴ OF 2020
IN
CRL.P. NO. 2424 OF 2020



PETITION DISMISSED