

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

I.A.NO.1 OF 2020

IN

CRIMINAL PETITION NO: 3332 OF 2020

Between:

Sri Yashodhar Rao @ Yashodhar Rao Vadiyala, S/O. V. Uppagi Rao,

Petitioner/Accused No.1.

AND

The State Telangana,, rep. by Public Prosecutor, High Court Building, Hyderabad,

Respondent/Complainant

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to modify the order dt: 13/08/2020 in CrI.P No.3332/2020 by permitting the petitioner to furnish the landed property worth Rs 4,00,000/- as security instead of deposit of Rs 4,00,000/- or alternatively grant six month time from today for depositing the amount of Rs 4.00 Lakhs ordered on 13/08/2020 in CrI.P No. 3332/2020 on the file of this Hon'ble Court pending disposal of CRLP No. 3332 of 2020, on the file of the High Court.

CRL.P.NO.3332 OF 2020

Petition under Section 438 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 on bail in the event of his arrest in Crime No. 649/2019, on the file of P.S. Malkaigiri, at Ranga Reddy District, for the offences punishable U/s.306 and R/w 34 IPC

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof the court order dated 13.8.2020 and upon hearing the arguments of SRI S ASHOK ANAND KUMAR Advocate for the Petitioner and the Additional PUBLIC PROSECUTOR for the Respondent No.1, the Court made the following.

ORDER:

This application is filed to modify the order dated 13.08.2020 in CrI.P.No.3332 of 2020 by permitting the petitioner to furnish landed property worth Rs.4,00,000/- as security instead of deposit of Rs.4,00,000/- or alternatively grant six months time for deposit of the said amount of Rs.4,00,000/-.

The petitioner is A.1 in Crime No.649 of 2019 pending on the file of Malkajgiri Police Station, Ranga Reddy District. The offences alleged against the petitioner are under Sections 306 read with 34 IPC.

The petitioner filed the above criminal petition under Section 438 Cr.P.C. for anticipatory bail. This Court vide order dated 13.08.2020 allowed the said petition and the petitioner is ordered to be released on bail in the event of his arrest in connection with Crime No.649 of 2019 on compliance of certain conditions mentioned therein.

Learned counsel for the petitioner would submit that the petitioner is doing small business of trading palm-oil by obtaining loan. Due to Covid-19, the said business of the petitioner has gone down drastically and he is not in a position to secure the said amount of Rs.4 lakhs for deposit in compliance of the order dated 13.08.2020 of this Court. He further submitted that with great difficulty, the petitioner secured Rs.1,00,000/- by borrowing from his well wishers. In proof of the same he has filed copy of the passbook and also the bank statement. Therefore, he sought to relax the condition of deposit of Rs.4,00,000/-.

On perusal of the record would reveal that the allegation against the petitioner is that the deceased has committed suicide due to harassment of the petitioner. There is a suicide note. The petitioner has taken an amount of Rs.4,00,000/- from the deceased.

Learned Public Prosecutor would submit that this Court granted anticipatory bail to the petitioner on condition that the petitioner shall deposit Rs.4,00,000/- alleged to have taken from the deceased.

As stated above, the petitioner herein is doing petty business. Though anticipatory bail was granted to him on 13.08.2020, he has not complied with the said condition of deposit of Rs.4 lakhs. It is not in dispute that due to Covid-19, pandemic many business people, more particularly, the small traders like petitioner herein have affected financially.

Considering the said aspects, this application is allowed modifying the order dated 13.08.2020 in CrI.P.No.3332 of 2020. The petitioner is directed to deposit an amount of Rs.2,00,000/- in cash and furnishing immoveable property worth Rs.2,00,000/- as security. Time granted in the order dated 13.08.2020 of this Court is extended by two weeks from the date of receipt of a copy of this order. The other conditions shall remain unaltered.

//TRUE COPY//

SD/- K.ONESIM
ASSISTANT REGISTRAR

before
SECTION OFFICER

To,

1. The XVII Additional Metropolitan Magistrate, Cyberabad at Malkajgiri
2. The XVI Additional Metropolitan Sessions Judge, Cyberabad at Malkajgiri.
3. The Station House Officer, Malkajgiri Police Station, Rachakonda Police Commissionerate,
4. One CC to SRI. S ASHOK ANAND KUMAR Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
6. One Spare Copy

HIGH COURT

KLJ

DATED: 16.11.2020

I.A.NO.1 OF 2020
IN
CRL.P.NO.3332 OF 2020

DIRECTION



A handwritten signature in dark ink, consisting of a stylized 'S' shape followed by a long horizontal stroke.