

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRL.P. NO: 3653 OF 2020

Between:

Mouriya Prahlad, S/o.Dasu,

..... Petitioner/Accused

AND

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

.....Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to grant bail to the petitioner/ accused in S.C. No.43 of 2001 on the file of the I Addl. District and Sessions Judge, at Khammam in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Smt Uma Devi Nama, Advocate for the Petitioners, and of Assistant Public Prosecutor for the respondent, the Court made the following.

ORDER

THE HON'BLE JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.3653 OF 2020

ORDER:

This petition is filed seeking to grant regular bail under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.). The Petitioner is Accused No.4 in S.C. No.43 of 2001 on the file of I Additional District and Sessions Judge at Khammam. The offences alleged against him are under Sections 148 and 302 read with 149 of the Indian Penal Code, 1860.

2. Mrs. Uma Devi Nama, learned counsel for the petitioner, would submit that the petitioner is in judicial custody from 03.02.2020 and the other Accused were already acquitted on merits. The petitioner would abide by any of conditions that may be imposed by this Court and, therefore, sought to grant bail to the petitioner.

3. On the other hand, the learned Assistant Public Prosecutor would submit that since the petitioner absconded, the trial Court issued Non-bailable warrant and in pursuance of the same, with great difficulty, the warrant could be executed. He would further submit that if the petitioner is released on bail, it would be very difficult to get his presence on every date of hearing and, therefore, sought to dismiss the petition.

4. On perusal of material on record, it shows that the prosecution originally filed charge sheet against the petitioner - accused No.4 and six other accused for the offences punishable under Sections 148 and 302 read with 149 IPC and the same was numbered

as S.C. No.98 of 1995. Since the petitioner was absconded, the case was split up and numbered it as S.C. No.43 of 2001 and issued Non-bailable warrant against him, while proceeding with the case in S.C. No.98 of 1995, which was ended in acquittal. Pursuant to the Non-bailable warrant, the police arrested and produced the petitioner on 03.02.2020 and since then he is in jail. In the said circumstances, this Court is inclined to grant bail to the petitioner.

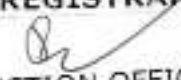
5. Accordingly, the present Criminal Petition is allowed granting bail to the petitioner with the following conditions:

- i) The petitioner - Accused No.4 shall furnish a personal bond for an amount of Rs.10,000/- (Rupees ten thousand only) with two (02) sureties for like sum each to the satisfaction of the I Additional District and Sessions Judge, Khammam; and
- ii) He shall appear before the I Additional District and Sessions Judge, Khammam on each and every date of hearing in S.C. No.43 of 2001 in accordance with the Schedule that would be fixed by the Sessions Court.

As a sequel, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

//TRUE COPY//

SD/- N. CHANDRASEKHARA RAO
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The I Addl. District and Sessions Judge, at Khammam
2. The Addl. Judicial First Class Magistrate, Kothagudem
3. The Superintendent, District Jail, Khammam
4. The Station House Officer, Kothagudem II Town Police Station, Kothagudem
5. Two CCs to the Public Prosecutor, High Court at Hyderabad (OUT)
6. One CC to Smt Uma Devi Nama, Advocate (OPUC)
7. One spare copy.

HIGH COURT

KL,J

DATED: 08.09.2020



ORDER:

CRLP. NO: 3653 of 2020

BAIL