IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY
: PRESENT:
THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NOS: 6980 & 6984 OF 2020

CRLP. No. 6980 of 2020
Between:
Mohd. Abdul Subhan, S/o.Mohammed Abdul

Petitioner/Accused No. 4

AND
The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad, through The Station House Officer, P.S.Rajendranagar, Cyberabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in support of the Criminal Petition, the High Court may be pleased to grant anticipatory bail and to direct the Station House Officer, P.S.Rajendranagar, Cyberabad to release the petitioner on bail in the event of his arrest in connection with Cr.No.502 of 2020 of P.S.Rajendranagar, Cyberabad;

CRL.P. No. 6984 OF 2020
Between:
Mohammed Javeed, S/o.Mohd. Abdul Ghani

Petitioner/Accused No. 5

AND
The State of Telangana,, rep. by its Public Prosecutor, High Court at Hyderabad, through The Station House Officer, P.S.Rajendranagar, Cyberabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in support of the Criminal Petition, the High Court may be pleased to grant anticipatory bail and to direct the Station House Officer, P.S.Rajendranagar, Cyberabad to release the petitioner on bail in the event of his arrest in connection with Cr.No.502 of 2020 of P.S.Rajendranagar, Cyberabad

These petitions coming on for hearing, upon perusing the Petitions filed in support thereof and upon hearing the arguments of Sri Mohd Moin Ahmed Quadri Advocate for the Petitioner in both the petitions, and Public Prosecutor for the Respondent in both the petitions, the Court made the following.

ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.6980 & 6984 OF 2020

COMMON ORDER:

Since both the Criminal Petitions arise from the very same crime, they are being disposed of by this common order.

2. These are the applications for anticipatory bail. The petitioners in both the Criminal Petitions are accused Nos.4 and 5 respectively in Crime No.502 of 2020 on the file of Rajendranagar Police Station, Cyberabad Commissionerate. The offences alleged against the petitioners are under Sections 420, 468 and 471 read with Section 34 of IPC.

2. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the record.

3. A perusal of the complaint dated 09.03.2020 would reveal that there are no allegations, much less specific overt-acts, against the petitioners herein. The allegations are against accused Nos.2 and 3. According to the learned counsel for the petitioners, accused Nos.2 and 3 are the owners and the petitioners herein are intending purchasers.

4. Admittedly, there are two suits pending i.e., O.S.No.65 of 2020 and the other suit as mentioned by the *de facto* complainant in paragraph 4 of the complaint. The proceedings are also pending before the Debt Recovery Tribunal. The petitioners have also filed copy of the plaint in O.S.No.65 of 2020 filed by accused Nos.2 and 3 for

declaration of title and recovery of possession of the subject property.

5. This Court, vide order dated 27.11.2020 in Crl.P.No.6051 of 2020 filed by accused Nos.2 and 3, directed the Investigation Officer to follow the procedure laid down under Section 41-A of the Cr.P.C., and also the guidelines issued by the Apex Court in **Arnesh Kumar V. State of Bihar[1].** The Investigating Officer is further directed not to arrest accused Nos.2 and 3, till completion of the investigation and filing of final report.

6. As discussed above, there are no allegations against the petitioners herein and the disputes are civil in nature. Considering the said aspects, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, these Criminal Petitions are allowed and the petitioners are granted anticipatory bail subject to the following conditions:

i. The petitioners are directed to surrender before the Station House Officer, Rajendranagar Police Station, Cyberabad Commissionerate, within a period of two (2) weeks from today, and on such surrender, the said Station House Officer shall release the petitioners on bail on their executing personal bonds for a sum of

[1] (2014) 8 SCC 273

Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to his satisfaction.

(ii) The petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C. and co-operate with the investigation by producing the relevant documents and information as sought by the Investigating Officer.

Miscellaneous petitions pending, if any, shall stand disposed of.

Sd/- I NAGALAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIV Additional Metropolitan Magistrate at Rajendranagar, Cyberabad
2. The Station House Officer, Rajendranagar Police Station, Cyberabad
3. Two CC to Sri Mohd Moin Ahmed Quadri Advocate [OPUC]
4. Two CC to Public Prosecutor, High Court, Hyderabad (OUT)
5. One spare copy

HIGH COURT

KLJ

DATED:21/12/2020

ORDER

CRI.P.Nos.6980 and 6984 of 2020

CRI.P. ALLOWED

