

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 615 OF 2021

Between:

Syed Naseer ur Rahaman @ Syed Sikindar Nawab, S/o late Syed Abdul Khader,
aged 52yrs, Occu. Real Estate Buisness R/o Flat No. 109-A, Happy Homes,
Upparpally, Rajendra Nagar, R.R District

...PETITIONER/ACCUSED No.2

AND

The State of Telangana, through Public Prosecutor High Court at Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant anticipatory bail to the petitioner/Accused -2 in the event of his arrest, pending investigation and trial in Cr.no.05/2020 of P.S. Bibinagar, Rachakonda.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M V HANUMANTHA RAO, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No 1.

The Court made the following: ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.615 OF 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/Accused No.2 for grant of anticipatory bail in the event of his arrest in connection with Crime No.5 of 2020 of Bibinagar Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 420, 468, 471, 447 and 427 I.P.C.

2. Heard learned counsel for the petitioner/Accused No.2 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. Learned counsel for the petitioner would submit that earlier the petitioner filed a bail application in CrI.P.No.1004 of 2020 and this Court by order, dated 19.02.2020, while dismissing the bail application directed the petitioner to surrender before the Court concerned with fifteen (15) days from the date of that order and move an application for bail and on such surrender, the Court below was directed to consider the application of the petitioner. However, the petitioner could not surrender before the Court concerned within the time stipulated due to ill health and in view of changed circumstances the petitioner is filing the present application seeking to grant bail.

4. Learned Additional Public Prosecutor opposed the petition.

5. This is the second bail application. Earlier, this Court by order, dated 19.02.2020 in CrI.P.No.1004 of 2020 directed the petitioner to surrender before the Court concerned within fifteen (15) days from the date of that order and move an application for bail, and on such surrender, the Court below was directed to consider the application of the petitioner. However, the petitioner could not surrender before the Court concerned within the time stipulated and till now also he has not surrendered on the ground that he is suffering from Kidney problem and filed the present application to grant bail. No medical reports are filed showing that he is taking continuous treatment for his ailment. Therefore, this Court is not inclined to grant bail to the petitioner and accordingly, the prayer for anticipatory bail is rejected.

6. Accordingly, the Criminal Petition is dismissed. However, the petitioner/A.2 is once again directed to surrender before the Court concerned within a period of two (2) weeks from today and move an application for regular bail, after giving prior notice to the Public Prosecutor concerned. On filing of such application, the said application shall be considered in accordance with law. If the petitioner fails to surrender before the Court concerned within the stipulated time, the police concerned shall take the petitioner into custody, forthwith.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

//TRUE COPY//

Sd/- K. SAILESHI,
ASSISTANT REGISTRAR
SECTION OFFICER

To

1. The Additional Judicial First Class Magistrate, at Bhongir.
2. The Station House Officer, Bibinagar, Rachakonda.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. M V HANUMANTHA RAO Advocate [OPUC]
5. Two CD Copies

21/4

HIGH COURT

GSDJ

DATED:09/02/2021

ORDER

CRLP.No.615 of 2021



DISMISSING THE CRIMINAL PETITION

⑦
19/2/21
H*