

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE TWENTY FIFTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 1169 OF 2021

Between:

Mohammed Abdul Nawaz, S/o. M.A.Khader

...Petitioner/Accused

AND

The State of Telangana, Rep. by Public Prosecutor, High Court, Kalapathar Police Station, Hyderabad.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused on Anticipatory Bail in the event of his arrest in Crime No. 13 of 2021 on the file of P.S Kalapathar Police Station, Hyderabad to abide by the condition or conditions that might be imposed by this Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of M/s DAMODAR MUNDRA Advocate for the Petitioner and of PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1169 of 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to grant anticipatory bail in the event of his arrest in Cr.No.13 of 2021 on the file of Kalapathar Police Station, Hyderabad District, registered for the offence punishable under Section 370 IPC.

2. Heard learned counsel for the petitioner/accused, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/accused would submit that the petitioner is innocent of the alleged offence as he is neither concerned nor connected with the allegations made in the complaint, but in fact, he is running a sweet shop near Kalapathar Police Station. He further submits that a false case has been foisted against the petitioner and he has not committed any offence as alleged by the prosecution. He also submits that the petitioner is a law abiding citizen having good reputation in the society and he is ready to abide by any condition that may be imposed by this Court in the event of his enlargement on anticipatory bail.

4. Learned Assistant Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner.

5. Having regard to the facts and circumstances and looking into the nature of allegations leveled against the petitioner, without adverting to the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/accused.

6. The Criminal Petition is accordingly allowed and the petitioner/accused is granted anticipatory bail subject to the following terms and conditions:

(i) The petitioner/accused is directed to surrender before the Station House Officer, Kalapathar Police Station, Hyderabad District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on his executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each to his satisfaction.

(ii) On such release, the petitioner/accused shall appear before the Investigating Officer on every Monday and Saturday between 10.00 AM and 2.00 PM till completion of investigation or filing of the charge sheet, whichever is earlier.

(iii) The petitioner/accused shall cooperate with the investigation and he shall not indulge in similar type of activities in future. If he is indulged in similar type of activities in future, liberty granted to him shall stand cancelled automatically.

(iv) The petitioner/accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

7. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

//TRUE COPY//

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

K. Venkaiah
SECTION OFFICER

To,

1. The Special Judicial First Class Magistrate at Nampally, Hyderabad.
2. The III Additional Metropolitan Sessions Judge Hyderabad.
3. The S.H.O., Kalapathar Police Station, Hyderabad.
4. One CC to M/s. DAMODAR MUNDRA, Advocate [OPUC].
5. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
6. One spare copy
ZEE

HIGH COURT

GSDJ

DATED:25/02/2021

ORDER

25 FEB 2021

CRLP.No.1169 of 2021

BAIL