

[3158]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

:PRESENT:

**THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 1869 OF 2021**

Between:

Bathuku Madhusudhan, S/o.B.Venkat Swamy,

Petitioner/Accused

AND

1. The State of Telangana, Through Public Prosecutor High Court at Hyderabad.
2. Jilkara Sathialah, S/o.J.Somaiah, Aged 53 years, Occ.Labour, R/o.H.No.1-76, Peeramcheruvu (V), Gandipet Mandal, Ranga Reddy District.

Respondent/Complainant

Petition under Section 437 & 439 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/A1 on bail in connection with SC No. 263 of 2018 on the file of Special Sessions Judge for Trial of Cases Under SCs and STs POA Act cum VII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI N KRISHNA SUMANTH Advocate for the Petitioner and the Additional PUBLIC PROSECUTOR for the Respondent No.1, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1869 of 2021

ORDER:

The petitioner, who is accused No.1, filed the present application under Sections 437 and 439 of Criminal Procedure Code 1973, seeking to grant bail to him in S.C.No.263 of 2018 on the file of Special Sessions Judge for Trial of Cases under SCs&STs (POA) Act-cum-VII Additional District and Sessions Judge, Ranga Reddy District, L.B.Nagar, registered for the offences punishable under Sections 447, 427 and 504 I.P.C and Section 3 (1)(r)(g)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard learned counsel for the petitioner/A.1 and learned Additional Public Prosecutor appearing for the respondent-State. In spite of service of notice, none appears for the 2nd respondent.

3. It is submitted on behalf of the petitioner/accused No.1 that the petitioner has been enlarged on bail in connection with Crime No.345 of 2018 and after submission of charge sheet, S.C.No.263 of 2018 was registered on the file of Special Sessions Judge for Trial of Cases under SCs and STs (POA) Act-cum-VII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar and the same is pending for trial. It is further submitted that during pendency of the trial in the said case, on a false complaint, Crime No.424 of 2020 was registered against the petitioner and remanded to judicial custody on 28.09.2020. Therefore, the petitioner could not remain present before the Court concerned personally on 12.02.2021, as such NBW was issued against the

petitioner. The petitioner moved an application in CrI.M.P.No.96 of 2021 before the Court below seeking regular bail in view of pendency of NBW against the petitioner. The said CrI.M.P. was dismissed by order, dated 25.02.2021 basing on the information furnished by the Public Prosecutor that there are other cases pending against the petitioner. The petitioner was regularly appearing before the Court below till he was remanded to judicial custody in connection with Crime No.424 of 2020. The petitioner is a paralysis patient and also suffering from different ailments i.e., Diabetics, Hypertension etc., which is evident from the certificate issued by the Medical Officer, Central Prison, Cherlapalli. The petitioner is ready to abide by any condition and ultimately, prayed this Court to grant bail to the petitioner.

4. Learned Additional Public Prosecutor opposed the petition.
5. Thus, looking into the nature of allegations levelled against the petitioner and considering the facts and circumstances of the case, without adverting to the merits of the case, I am inclined to grant bail to the petitioner on certain terms and conditions.

- (i) The petitioner/accused No.1 shall execute a personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties to the like amount each to the satisfaction of Special Sessions Judge for Trial of Cases under SCs&STs (POA) Act-cum-VII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.
- (ii) The petitioner/accused No.1 shall not indulge in any similar type of activities in future.
- (iii) The petitioner/accused No.1 shall not tamper with the prosecution witnesses.
- (iv) The petitioner/accused No.1 shall co-operate with the investigating agency.

- (v) The petitioner/accused No.1 shall appear shall personally appear before the Court concerned on each date of hearing till conclusion of trial.

6. Accordingly, the Criminal Petition is allowed. Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

K.S.H. 1
SD/- K.SHYLESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases Under SCs and STs POA act cum VII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.
2. The Superintendent Cherlapally Jail, Ranga Reddy District.
3. One CC to SRI. N KRISHNA SUMANTH Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High court at Hyderabad. [OUT]
5. One spare copy

HIGH COURT

GSDJ

DATED:16/03/2021

ORDER

CRLP.No.1869 of 2021

BAIL

