

[3158]

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

TUESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 2414 OF 2021

Between:

Kendha Mallesh @ Kenda Mallesham, S/o K. Rajaiah,

Petitioner/Accused

AND

The State of Telangana, Represented by its Public Prosecutor,
High Court for the State of Telangana at Hyderabad through P.S.
Sulthanabad, Peddapalli District

Respondent/Complainant

Petition under Section 438 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 direct the Station House Officer, Sulthanabad Police Station, Peddapalli District (erstwhile Karimnagar District) to enlarge the Petitioner on Anticipatory Bail in the event of arrest in connection with the Crime No.79/2021. pending on the file of the Sulthanabad Police Station, Peddapalli District

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of P BHANU PRAKASH Advocate for the Petitioner and the Assistant PUBLIC PROSECUTOR for the sole Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2414 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 for grant of anticipatory bail in the event of his arrest in connection with Crime No.79 of 2021 of Sulthanabad Police Station, Peddapalli District, registered for the offences punishable under Sections 406, 420 and 506 I.P.C.

2. Heard learned counsel for the petitioner/Accused and the learned Assistant Public Prosecutor representing the respondent/State. Perused the record.

3. Learned counsel for the petitioner would submit that without any primary investigation and without scrutinizing the contents of the complaint only on reference by the Court concerned, got foisted a false case against the petitioner only to harass and blackmail him; that the complainant has filed the present complaint making baseless allegations and implicating the petitioner in the present complaint even though he is not concerned in any way; that the petitioner is innocent of the offences alleged against him and ultimately, prayed this Court to grant anticipatory bail to the petitioner.

4. On the other hand, learned Additional Public Prosecutor opposed the petition.

5. As seen from the contents of the First Information Report, it seems that basing on a private complaint filed by the *de facto* complainant before the Judicial Magistrate of First Class, Sultanabad, who in turn referred the same to the police concerned,

the police have registered the above crime against the petitioner. Even according to the complaint petition, the complainant's daughter, who is wife of the petitioner/accused, said to have entered into an agreement with the petitioner on 10.03.2015. However, the wife of the petitioner committed suicide on 25.12.2019. As per the said agreement, dated 10.03.2015, both the petitioner and his wife have entered into an agreement that to dissolve their marriage and in view of the same petitioner had agreed to pay a sum of Rs.2,70,000/- by way of cash and to return the gold ornaments to his wife. However, the terms of the said agreement could not be fulfilled as the wife of the petitioner committed suicide on 25.12.2019. It is submitted on behalf of the petitioner that in order to harass the petitioner, the complainant with the self same cause of action, during pendency of the earlier proceedings, has filed the present private complaint. As seen from the contents of the petition, several cases are pending between the petitioner and the complainant.

6. Thus, looking into nature of allegations levelled against the petitioner/ accused and considering the facts and circumstances of the case, without advertng to the merits of the case, I am inclined to grant anticipatory bail to the petitioner on some conditions.

7. Accordingly, the petitioner/accused is directed to surrender before the Station House Officer, Sulthanabad Police Station, Peddapalli District, within a period of 15 days from today. On such surrender, the Station House Officer, Sulthanabad Police Station, Peddapalli District, shall release the petitioner/ accused on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Twenty Ten Thousand only) ~~with~~ two sureties for the like amount

each to the satisfaction of the said Station House Officer. Further, the petitioner/ accused shall abide by the conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigation Officer in investigating the case.

8. With this direction, the Criminal Petition is allowed. Miscellaneous petitions, if any, pending shall stand closed.

//TRUE COPY//

SD/- I.NAGA LAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Sulthanabad. ✓
2. The Station House Officer, Sulthanabad Police Station, Peddapalli District. ✓
3. One CC to SRI. P BHANU PRAKASH Advocate [OPUC] ✓
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT] ✓
5. One spare Copy

HIGH COURT

GSDJ

DATED:06/04/2021

ORDER



CRLP.No.2414 of 2021

BAIL