

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**
THURSDAY, THE TWENTY NINTH DAY OF APRIL TWO THOUSAND AND
TWENTY ONE

:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 3299 OF 2021

Between:

Sri. Athelly Macherla Pullaiah @ A. Pullaiah, S/o. Athelly Mallaiah

Petitioner/ Sole Accused

AND

The State of Telangana, Rep. by its Public. Prosecutor, High Court at Hyderabad.

Respondent

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 (S.H.O.) Shankarampet (R) Police Station, Medak enlarge the petitioner/ sole accused herein on Bail in the event of his arrest relation with Crime No. 40 of 2021, on the file of the Shankarampet (R) Police Station, Medak.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of POTTIGARI SRIDHAR REDDY Advocate for the Petitioner, THE PUBLIC PROSECUTOR for the Respondent and the Court made the following.

ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3299 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.40 of 2021 on the file of Shankarampet Rural, Medak District, registered for the offence punishable under Section 436 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 present complaint is lodged with all false allegations against the petitioner. He further submits that only on mere suspicion and even though the Forest Service Department's report dated 23.04.2021 shows that the cause of burning of hut is 'careless smoking, a false case has been foisted against the petitioner. He further submits that there are land disputes between the petitioner and the de-facto complainant since many years. He further submits that one Bandaru Nelluru abused the petitioner and beat him with sticks on the forehead resulting severe injuries and that his nephew has filed a case against the complainant herein and the same was registered as Cr.No.41 of 2021 under Sections 324 and 504 IPC. He further submits that the petitioner is not involved in any other crime prior to this occurrence and he is a law abiding citizen and 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. However, he conceded to the fact that as

per the report of Fire Service Department, the cause of burning of hut is 'careless smoking' and that the petitioner also filed another case on 04.04.2021 against the de-facto complainant and the same was registered for the offences under Section 324 and 504 IPC.

5. Thus, looking into the nature of allegations leveled against the petitioner and other facts and circumstances and since there are civil and criminal disputes between the petitioner and the de-facto complainant and also in view of peculiar conditions of pandemic COVID-19 prevailing in the country, without delving into 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, Shankarampet Rural Police Station, Medak 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) 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.

SD/- N CHANDRASHEKAR RAO
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Judicial First Class Magistrate Court at Medak
2. The Station House Officer, Shakarampet (R) Police Station, Medak
3. One CC to SRI. POTTIGARI SRIDHAR REDDY Advocate [OPUC]
4. Two CC's to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
5. One spare copy

Avs

HIGH COURT

GSDJ

DATED:29/04/2021

ORDER

CRLP.No.3299 of 2021



BAIL