

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

**THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO: 5673 OF 2021

Between:

The State of Telangana, through the Circle Inspector of Police, Bhainsa Rural Circle, The Public Prosecutor, High Court for the State of Telangana.

...PETITIONER/RESPONDENT

AND

1. Chandapuri Ganesh, S/o Anand Rao, Age. 20 Years, Caste Lingayath, Occ: Auto Driver R/o Kunta Area , Bhainsa Mandal, District Nirmal.
2. Bhainwad Omkar, S/o Pramod, Age. 19 Years, Caste Golla, Occ: Fast food centre R/o 3-4-130/33, Bail Bazar, Bhainsa, District Nirmal

...RESPONDENTS

Petition under Section 439(2) 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 cancel the bail granted to the accused vide orders dated.06/07/2021 passed by the Hon'ble VII Additional District and Sessions Judge (FTC), Nirmal in CrI.M.P.No.320 of 2021.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of the Assistant Public Prosecutor on behalf of the Petitioner and none appeared for the Respondent Nos.1 & 2.

The Court made the following: ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5673 of 2021

ORDER:

This Criminal Petition, under Section 439(2) of the Code of Criminal Procedure, 1973, is filed by the petitioner-State seeking to cancel the bail granted to respondents/A-4 and A-5 vide order dated 06.07.2021 in Cr.M.P.No.320 of 2021 in Cr.No.13 of 2021 on the file of VII Additional District and Sessions Judge (FTC), Nirmal.

2. Heard learned Assistant Public Prosecutor for the petitioner-State. Though notice has been served on the respondents, none appears on their behalf.

3. In the affidavit, it is stated that the respondents were involved in other 3 criminal cases on the file of Bhainsa Police Station registered for similar offences. It is further stated that in Bhainsa Town, there is horrible situation and the general public are under fear due to violent activities of communal elements as several accused were repeatedly committing the offences by damaging the properties including essential commodities/food grains and also insulting the women with evil intention. It is further stated that the Court below failed to consider the fact that if the respondents are released on bail, there is an imminent danger to the lives and properties of the victims.

4. At the hearing, learned Assistant Public Prosecutor submits that as the respondents were already released on bail, instead of cancellation of bail, some stringent conditions may be imposed against them in order to secure their presence for the purpose of fair investigation.

5. Having regard to the facts and circumstances and in the light of the submission made by the learned Assistant Public Prosecutor, it would be

appropriate to modify the conditions imposed by the Court below, except condition No.(a) of paragraph No.8 of the impugned order, and impose the following conditions, instead of condition Nos.(b) to (e) of paragraph No.8 of the impugned order, on the respondents, as imposed earlier by this Court while granting bail to the accused in similar offences.

- (i) That the respondents/A-4 and A-5 shall appear before the Station House Officer, Adilabad I Town Police Station, on every Friday between 09.00 am and 05.00 pm till completion of investigation and filing of final report;
- (ii) That the respondents/A-4 and A-5 shall not indulge in similar type of offences in future and if it is found that they are indulged in similar type of offences in future, liberty granted to them shall automatically stand cancelled and they would be taken into custody forthwith without issuing any notice or warrant;
- (iii) That the respondents/A-4 and A-5 shall not interfere with the investigation, intimidate or induce the prosecution witnesses and shall cooperate with the investigating agency;
- (iv) That the respondents/A-4 and A-5 shall not move within 20 km radius of the place of occurrence;
- (v) That the respondents/A-4 and A-5 shall not misuse the liberty granted to them; and
- (vi) That the respondents/A-4 and A-5 shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

6. With the aforesaid modification, the Criminal Petition is disposed of.

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

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

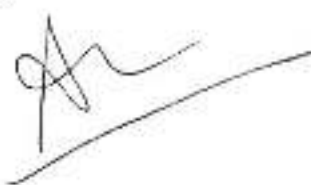
SECTION OFFICER

To,

1. The VII Additional District and Sessions Judge (FTC), Nirmal, Adilabad District.
2. The Judicial First Class Magistrate, Bhainsa, Adilabad District.
3. The Station House Officer, Adilabad I Town Police Station, P.S. Kubeer, Adilabad District.

Com. f

4. The Superintendent, District Jail, Adilabad.
 5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
 6. Two CD Copies
 7. One Spare Copy
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A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a diagonal stroke.

HIGH COURT

DATED: 26/08/2021



ORDER

CRLP.No.5673 of 2021

DISPOSING OF THE CRIMINAL PETITION

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NMA
15/9/2021