

IN THE HIGH COURT FOR THE STATE OF TELANGANA

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 7503 OF 2021

Between:

1. Chunchena Kota Radha Kishan Goud, S/o. Kista Goud,
2. Sunkari Raja Goud, S/o. Saya Goud,
3. Saya Goud, S/o. Hanma Goud,

Petitioners/Accused No.2,3 &4

AND

The State of Telangana, through P.S Yadapally, Rep.by its Public
Prosecutor of High court at Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Criminal Petition, the High Court may be pleased to grant Anticipatory Bail to the petitioners/Accused no 2,3 and 4 in crime no. 125 of 2021 which is pending before the SHO Yadapally police station, with minimum amount of sureties and in consequences direct the SHO Yadapally, Nizamabad District to release the said Petitioners/Accused persons in the event of their arrest in connection with the crime no. 125 of 2021 of P.S. Yedapally

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI M VENKATA SWAMY Advocate for the Petitioners and the Assistant Public Prosecutor for the Sole Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.7503 OF 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A-2, A-3 and A-4 seeking to grant anticipatory bail in the event of their arrest in connection with Crime No.125 of 2021 of P.S. Yedpally, Nizambad District, registered for the offence punishable under Section 386 read with Section 34 of the Indian Penal Code.

Heard the learned counsel appearing for the petitioners, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

Learned counsel for the petitioners would submit that the petitioners are innocents of the offence alleged against them and have been falsely implicated. The petitioners are having fixed abode and there is no question of absconding. It is further submitted that the petitioners are willing to furnish suitable security and abide by any condition which this Court may deem fit to impose in the event of granting anticipatory bail. Hence, it is prayed that the petitioners be granted anticipatory bail.

Learned Assistant Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioners and submitted that the statements of the victims recorded by the police clearly indicate that the amount has been paid by the *de facto* complainant and at the time of payment made by the *de facto* complainant to A-1, the present petitioners were also present and out of the said amount, some amounts have also been paid to the present petitioners, which are to be recovered from them.

The allegations against the present petitioners are that A-1, after his arrest and during his confessional statement, has stated that after receiving an amount of Rs.5,00,000/- from the *de facto* complainant in the first week of August, 2021, he has paid some amounts to the present petitioners also. However, as seen from the complaint itself, A-5 used to demand money from the *de facto* complainant since May, 2021 and the *de facto* complainant though has no capacity to pay the huge amount but used to meet the said Thinmaar Mallanna and his associates regularly. During such meetings, the *de facto* complainant said to have made payments to A-1 and lodged complaint in the month of September, 2021.

Looking into the nature of allegations and the other facts and circumstances, without adverting into the merits of the same, I am inclined to release the petitioners/A-2, A-3 and A-4 on anticipatory bail.

The Criminal Petition is allowed and the petitioners are granted anticipatory bail subject to the following terms and conditions:

- (1) The petitioners are directed to surrender before the Station House Officer, P.S. Yedapally, Nizambad District, within a period of four weeks from the date of this order and on such surrender, the said Station House Officer shall release the petitioners on bail on their executing personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to his satisfaction.
- (2) The petitioners shall appear before the investigating authorities on every Monday, Wednesday and Friday between 10.00 am and 5.00 pm till completion of investigation and filing of final report.

- (3) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Investigating Authority.
- (4) The petitioners shall not act in any manner which will be prejudicial to fair and expeditious investigation.
- (5) The petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

Miscellaneous applications, if any, pending shall stand closed.

SD/- K ONESIM
Assistant Registrar

//TRUE COPY//



SECTION OFFICER

To,

1. The VII Additional District and Session Judge, Bodhan
2. The Station House Officer, P.S., Yedpally, Nizamabad District.
3. One CC to SRI. M VENKATA SWAMY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
5. One Spare Copy

HIGH COURT

GSDJ

DATED:25/10/2021

ORDER

CRLP.No.7503 of 2021

BAIL

