

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

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

**:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 7663 OF 2021**

Between:

1. Muppala Srinivasa Rao, S/o. Narsaiah,
2. Borigorla Venkatarao, S/o. Govindarajulu,

Petitioners/Accused 5&5

AND

The State of Telangana, through the Station House Officer, Suryapet II Town Police Station, represented by its Public Prosecutor, 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 direct the respondent to enlarge the petitioner on bail in the event of his arrest in connection with Cr No. 113 of 2021 on the file of Station House Officer, Suryapet II Town P.S., pending enquiry and trial,

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

ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7663 of 2021

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A5 and A6 seeking to grant anticipatory bail in the event of their arrest in connection with Crime No.113 of 2021 on the file of Suryapet II Town Police Station, Suryapet District, registered for the offences under Sections 420, 120-B IPC and under Section 6-A of E.C.Act.

2. Heard learned counsel appearing for the petitioners/A5 and A6, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The prosecution case is that on 04.06.2021 at 16.00 hours, while the Sub-Inspector of Police along with his staff was conducting vehicle check at Flyover bridge, New Bus Stand, Suryapet, they stopped a car bearing No.AP-07-EC-6642 and on search, they seized chilly seeds worth Rs.10,92,155/- under a cover of panchanama. The accused were transporting the said chilly seeds illegally without having any valid bills.

4. Learned counsel for the petitioners would submit that the petitioners are innocent of the alleged offences and they have been falsely implicated in the present crime. He would further submit that the petitioners are Proprietors of Sri Surya Seeds Agency and Sri Harsha Raithu Depot and they used to supply chilly seeds to the customers and also issued valid receipts on such supply, however,

based on the confessional statements of other accused, their names have been implicated in the crime even though there is no material against them. He also submits that the petitioners are not having any criminal antecedents prior to the alleged occurrence and they are law abiding citizens and ready to abide by any condition that may be imposed in the event of their enlargement on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioners.

6. Having regard to the facts and circumstances and in view of the nature of offences alleged against the petitioners and since there are no criminal antecedents against them prior to the alleged occurrence, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioners/A5 and A6.

7. Accordingly, the Criminal Petition is allowed and the petitioners/A5 and A6 are granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioners/A5 and A6 are directed to surrender before the Station House Officer, Suryapet II Town Police Station, Suryapet District, within a period of 15 days from today, and on such surrender, the said Station House Officer shall release them on bail on their executing personal bond to the tune of Rs.15,000/- (Rupees fifteen thousand only) each with two sureties each to the like amount to the satisfaction.

- (ii) The petitioners/A5 and A6 shall fully cooperate with the investigation and shall comply with the conditions as laid down under Section 438 (2) of Cr.P.C.

SD/- T. KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

Ch...
SECTION OFFICER

To,

1. The Principal Judicial First Class Magistrate Court at Suryapet.
2. The II Additional Sessions Judge, Nalgonda at Suryapet.
3. The Station House Officer, Suryapet II Town Police Station, Suryapet District.
4. One CC to SRI, V BRAHMAIAH CHOWDARY Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
6. One spare Copy

HIGH COURT

GSDJ

DATED:26/10/2021



ORDER

CRLP.No.7663 of 2021

BAIL