

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

**THURSDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 9011 OF 2022

Between:

Balyapalli Shashikanth Sharma, S/o. Raghu Chandar, Aged about 43 years, Hindu, Occ. Purohit and Yoga Instructor, N/o. 3-62, New Damarajapalle, Karimnagar, Karimnagar District, Telangana State. Now presently residing at Plot No. 30 and 31, PVR Colony, Road No.5, Saheb Nagar, Vanasthalipuram, Ranga Reddy District, Telangana State.

...Petitioner/Accused No.2

AND

The State of Telangana, represented by its Public Prosecutor, High Court, at Hyderabad, Through Station House Officer, Saroornagar Police Station, Rachakonda Commissionerate, Saroornagar, Ranga Reddy District, Telangana State.

...Respondent/Complainant

Petition under Section 438 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 grant anticipatory bail to the Petitioner/Accused-2 in event of arrest in Crime No. 664 of 2022, dated 03-08-2022 on the file of Saroornagar Police Station, Rachakonda Commissionerate, Ranga Reddy District, Telangana State, pending trial.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAJANIKANTH JWALA, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9011 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioner who is arrayed as Accused No.2 in the event of his arrest in Crime No.664 of 2022 on the file of Station House Officer, Saroornagar Police Station, Rachakonda registered for the offences punishable under Section 370(A)(2) of Indian Penal Code and Sections 3, 4 and 5 of PIT Act read with Section 34 of IPC.

2. Heard the learned counsel for the petitioner/Accused No.2 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. In the present crime, the police concluded the investigation and filed charge sheet against Accused Nos.1, 3 and 4 and the present petitioner is Accused No.2. According to the charge sheet filed against the other accused, this petitioner was shown as absconding and was not available during the course of investigation.

4. Learned counsel for the petitioner submits that the petitioner undertakes to appear before the concerned Station House Officer on 31.10.2022 to assist the investigation.

5. Keeping in view the offences alleged against this petitioner being punishable less than seven years, the respondent-Police are directed to carry out the investigation by following the procedure as contemplated under Section 41-A Cr.P.C and the guidelines formulated by the Hon'ble Supreme Court in case of **Arnesh Kumar v. State of Bihar** scrupulously. In view of the undertaking given by the learned counsel for the petitioner, the petitioner shall appear before the concerned Station House Officer on 31.10.2022, failing which the order shall stand cancelled.

6. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

SD/-N.CHANDRA SEKHAR
ASSISTANT REGISTRAR
SECTION OFFICER

(2014) 8 SCC 273

//TRUE COPY//

To,

1. The V Additional Junior Civil Judge-cum-V Additional Metropolitan Magistrate, at L.B. Nagar, Ranga Reddy District.
2. The Station House Officer, Police Station Saroornagar Police Station, Rachakonda Commissionerate, Saroornagar, Ranga Reddy District.
3. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. RAJANIKANTH JWALA, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK
SB

HIGH COURT

DATED:27/10/2022

ORDER

CRLP.No.9011 of 2022



DISPOSING OF THE CRIMINAL PETITION

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27/10/22