

THE HONOURABLE Dr.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3726 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking anticipatory bail to the petitioners in Crime No.190 of 2023 on the file of Mahankali Police Station, Hyderabad, registered for the offence under Section 379 IPC.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent-State.

3. Learned counsel for the petitioners submitted that the 3rd petitioner’s husband-Hemaram Premaram was falsely implicated as accused by the Panjagutta Police in Crime No.683 of 2023 and basing on his confession, he was also implicated as accused in Crime No.735 of 2023. He was also compelled to surrender in Crime No.178 of 2023 on the file of Madhura Nagar Police Station for the offence under Section 379 of IPC. Challenging the same the 3rd petitioner’s husband-Hemaram Premaram filed W.P.No.4548 of 2024. He was taken into police custody in Crime No.178 of 2023 by Police Madhura Nagar. On 25.02.2024 without following due process of law, the police obtained search warrant and conducted search proceedings at his business place. Aggrieved by the same

he also filed W.P.No.5322 of 2024. Seeking avenge for filing of the writ petitions by him, the police falsely implicated the present petitioners, who were the family members of Hemaram Premaram, alleging that they received the stolen property. He further submitted that the petitioners were permanent residents of Hosur, Krishnagiri District, Tamilnadu State. They were bonafide business persons having valid Pawn Broker license and dealing with pledging of gold and lending money. They were apprehending their arrest and prayed to enlarge the petitioners on anticipatory bail.

4 Learned Additional Public Prosecutor stated that the petitioners were not arrayed as accused in any of the crimes. As per the confession of A10-Hemaram Premaram-husband of the 3rd petitioner, some women and men, belonging to the town of Hosur, used to hand over the stolen property to Hemaram Premaram and he used to give the same to his family members, and his family members used to melt the gold and sell it to different people, and use the said money for their family requirements and also invest in their pawn broker business.

5. Perused the record. The petitioners are not arrayed as accused till date. The offence under Section 379 IPC is not applicable to them. As seen from the confession of Hemaram Premaram recorded by Madhura Nagar police in Crime No.178 of 2023, the Hyderabad Police visited Laxmi Pawn Broker shop at Hosur, verified the records and as per the said records,

on 28.05.2024 one Anjali W/o. Manikyam came to their shop and pledged one gold dollar and one ear ring weighing 2.9 grams and on 25.07.2022 one Bhavani W/o.Manikyam pledged ear rings weighing 2 grams and the same were returned and on 25.08.2022 Anjali W/o.Manikyam came and took back the gold which was deposited.

6. As seen from the confession of Hemaram Premaram recorded by Madhura Nagar Police, the said gold was pertaining to the cases in which theft of gold was committed prior to the said dates. But the present case was pertaining to November, 2023. As such, the said pledged gold cannot be considered as stolen property pertaining to this crime. Hence, it is considered fit to enlarge the petitioners on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioners shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners are directed to surrender before the Station House Officer, Mahankali Police Station, Hyderabad within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a

like sum each to the satisfaction of the said
Station House Officer.

- 2) The petitioners shall abide by the conditions
stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dated: April 18, 2024
Dsv/KTL

Dr. G.RADHA RANI, J