

IN THE HIGH COURT FOR THE STATE OF TELANGANA
 AT HYDERABAD
 WEDNESDAY, THE TWENTY EIGHTH DAY OF OCTOBER
 TWO THOUSAND AND TWENTY
 : PRESENT:
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY
CRIMINAL PETITION NO: 5379 OF 2020

Between:

1. Bhukya Ramulu, S/o. Durgaiah
2. Bhukya Sriram, S/o Panchya
3. Maloth Alibabu, S/o. Laxma

Petitioners/Accused No. 4 to 6

AND

The State of Telangana, Through Public Prosecutor At High Court, PS Dammmapet

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in support of the Criminal Petition, the High Court may be pleased to grant anticipatory bail to the petitioners in relation to FIR No. 128/2017, PS Aswaraopeta, Bhadrakot Kothagudem District, or they may be released on bail in the event of their arrest, in the interest of justice;

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri P Rama Sharana Sharma Advocate for the Petitioners and of Additional Public Prosecutor for the Respondent, the Court made the following.

ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5379 OF 2020

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioners/accused Nos.4 to 6, seeking to grant anticipatory bail in Crime No.128 of 2017 on the file of Aswaraopeta, Bhadravati-Kothagudem District, registered for the offences punishable under Sections 420, 468, 471 and 120(B) read with Section 34 of the Indian Penal Code, 1860.

2. Heard learned counsel for the petitioners/accused Nos.4 to 6 and the learned Additional Public Prosecutor appearing for the respondent/State and perused the record.

3. The informant is the Tahsildar of Aswaraopeta Mandal. It is alleged in the complaint that the accused and others have obtained loan from the Andhra Pradesh Grameena Vikas Bank by furnishing bogus and fake pattadar pass books as security.

4. Sri Rama Sharana Sharma, learned counsel for the petitioners/accused Nos.4 to 6, submitted that accused No.2, who is standing on the same footing, has been granted bail by the learned Principal Sessions Judge, Khammam, *vide* order dated 24.09.2020 in Crl.M.P.No.650 of 2020. However, the bail application of the present petitioners has been dismissed. He further submitted that the crime has been registered in the year 2017, but unfortunately, no efforts

have been made to expedite the investigation and apprehend the accused persons till this date. Learned counsel also submitted that the petitioners are still holding pattadar pass books and they were also issued e-pass books.

5. As seen from the record, the dispute is that the petitioners have falsely claimed land in excess than their actual holding.

6. However, since the crime is registered in the year 2017 and as accused No.2 has already been granted anticipatory bail, the petitioners/accused Nos.4 to 6 are also entitled to anticipatory bail.

7. Accordingly, the present Criminal Petition is allowed granting anticipatory bail to the petitioners/accused No.4 to 6 with the following conditions:

- i) The petitioners/accused No.4 to 6 are directed to surrender before the Station House Officer, Aswaraopeta Police Station, Bhadravati-Kothagudem District, within a period of fifteen (15) days from today, and on such surrender, the Station House Officer shall release the petitioners on bail on their executing personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two (02) sureties each for a like sum each to the satisfaction of the Station House Officer, Aswaraopeta Police Station, Bhadravati-Kothagudem District;

ii) The petitioners/accused Nos.4 to 6 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C. and cooperate with the Investigating Officer in investigating the crime.

iii) The petitioners/accused Nos.4 to 6 shall personally appear before the concerned Investigating Officer on every Sunday and Wednesday between 10.00 AM and 11.00 AM till completion of investigation and filing of charge sheet;

As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

SD/- N. CHANDRASEKHARA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Sessions Judge, Khammam
2. The Additional Judicial First Class Executive Magistrate at Satupally
3. The Station House Officer, Aswaraopeta Police Station, Bhadrakali Kothagudem District
4. One CC to Sri P Rama Sharana Sharma Advocate [OPIC]
5. Two CC to Public Prosecutor, High Court, Hyderabad(DUT)
6. One spare copy

HIGH COURT

BVRJ

DATED:28/10/2020

ORDER

CRLP.No.5379 of 2020

CRLP. ALLOWED

