

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NOs: 8399 & 8400 OF 2021

CRIMINAL PETITION NO: 8399 OF 2021:

Between:

1. Porika Sai Shankar S/o. Balram Naik, Aged about 32 years, Occ. Business and Youth Vice-President, Congress Party, R/o. 329/A, MLAs Colony, Banjara Hills, Hyderabad. ...PETITIONER/A.5
2. Keesara Dhilip Reddy, S/o. Venkat Reddy, Aged 34 years, Occ. Business, R/o. H.No.1-17, Lingala Ghanpur, Jangaon District.

...PETITIONER/A.8

AND

1. The State of Telangana, Through SHO, Hanamkonda Police Station, Rep. by its Public Prosecutor, High Court of Judicature of Telangana At Hyderabad. ...RESPONDENT
2. V.Venu Madhav, Inspector of Police, P.S.Hanamkonda, Warangal Urban Dist.

...RESPONDENT/ DEFACTO 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 direct the Station House Officer, Hanamkonda Police Station, Warangal to enlarge/release the petitioners/accused no. 5 and 8 respectively, on Anticipatory Bail in the event of their arrest in connection with the Crime No. 539 of 2021, dt.02/11/2021, on the file of Hanamakonda Police Station, Warangal.

I.A. NO: 1 OF 2021

Petition under Section 482 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 receive the copies additional material papers which are proper and necessary to adjudicate the CRIMINAL PETITION No. 8399 of 2021.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M.P.KASHYAP, Advocate for the Petitioners and the Assistant Public Prosecutor (TG) on behalf of the Respondent No. 1 and None appeared for the Respondent No. 2.

CRIMINAL PETITION NO: 8400 OF 2021**Between:**

1. Alvala Karthik, S/o. Kumara Swamy, Aged about 35 years, Occ. Business and Youth Congress Leader, R/o. 54-1-426, Gundla Sigaram, Hanamkonda, Warangal Urban District
2. Naini Rajender Reddy, S/o. Narendra Reddy, Aged 54 years, Occ. Business and President, Warangal District Congress Committee, R/o. H.No.5-11-35/1, Naimnagar, Hanamkonda, Warangal City And Warangal Urban District.
3. Shivasena Reddy S/o. Pulla Reddy, Aged about 36 years, Occ. Farming and State Youth President, Indian National Congress Party, R/o. No.10, Prestige Villas, Kismatpur.

...PETITIONERS/ACCUSED Nos. 2,3 & 4**AND**

1. The State of Telangana, Through SHO, Hanamkonda Police Station, Represented by its Public Prosecutor, High Court of Judicature of Telangana At Hyderabad. **...RESPONDENT**
2. V.Venu Madhav, Inspector of Police, P.S. Hanamkonda, Warangal Urban District.

...RESPONDENT/DEFACTO-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 direct the Station House Officer, Hanamkonda Police Station, Warangal to enlarge/release the petitioners/accused no. 2, 3 and 4 respectively on Anticipatory Bail in the event of their arrest in connection with the Crime No. 539 of 2021, dt.02/11/2021 on the file of Hanamkonda Police Station, Warangal.

I.A. NO: 1 OF 2021

Petition under Section 482 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 receive the copies additional material papers which are proper and necessary to adjudicate the Criminal Petition No.8400 of 2021.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M.P.KASHYAP, Advocate for the Petitioner and the Assistant Public Prosecutor (TG) on behalf of the Respondent No. 1 and of None appeared for the Respondent No. 2.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION Nos.8399 and 8400 OF 2021

COMMON ODER:

These petitions are filed under Section 438 Cr.P.C. seeking bail to petitioners/A.2 to A.5 and A.8 in the event of their arrest in connection with Crime No.539 of 2021 of Hanamkonda Police Station, Warangal District, registered for the offences punishable under Sections 143, 353, 333, 290, 341 and 188 read with 149 of the Indian Penal Code.

2. Heard Mr.M.P. Kashyam, learned counsel for the petitioners, and learned Assistant Public Prosecutor for the respondent-State.
3. Learned counsel for the petitioners submits that A.1 was arrested by the police on 10.11.2021 and released on the very same day. He submits that learned VII Additional Judicial First Class Magistrate, Warangal, has refused to grant custody of A.1 for a period of 15 days and observed that notice under Section 41-A Cr.P.C. is issued mechanically. He further submits that there is no allegation of non-compliance of notice under Section 41-A of Cr.P.C.
4. As far as these petitioners are concerned, the punishment prescribed for the offences alleged against them is up to seven years, without going into the merits of the matter, the respondent - Police are directed to follow the procedure as contemplated under Section 41-A Cr.P.C and the guidelines formulated by the Hon'ble Supreme Court in

*Arnesh Kumar v. State of Bihar*¹ scrupulously. It is needless to say, any deviation in this regard will be viewed seriously.

5. The Criminal Petitions are, accordingly, disposed of.

Miscellaneous applications, pending if any, shall stand closed.

¹(2014) 8 SCC 273

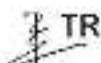
SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Additional Judicial First Class Magistrate at Warangal
2. The Station House Officer, Hanmakonda P.S., Warangal District.
3. 2 CC's to the Public Prosecutor, High Court for the State of Telangana At Hyderabad (OL T).
4. One CC to SRI. M.P.KASHYAP, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

 TR

HIGH COURT

DATED:30/11/2021

COMMON ORDER

CRLP.Nos.8393 & 8400 of 2021



Disposing of the Criminal Petitions -

23/12

⑥