

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.8015 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/Accused under Section 482 Cr.P.C seeking to quash the proceedings in Crime No. 117 of 2015 of Peapully Police Station, Kurnool District registered at the instance of the 2nd respondent for the offence punishable under Sections 430, 447 r.w,34 IPC and Section 3 (2) (a) of P.D.P.P.Act.

2. Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3. A perusal of the F.I.R. clearly shows prima facie accusation, though it is the contention of counsel for the petitioners that it is politically motivated and there is panchayath resolution resisting drawing of water by defacto complainant from the bore-well which is installed with public funds by the M.L.A. though meant for use to the limited purpose to draw water by the pilgrims of Nagamma Temple apart from any extra to be used by nearby lands and not for distant fields of the petitioners to draw through pipeline. These are matters required to be

investigated by the police. These facts falls short to admit the application to quash the F.I.R. but for say the factual matrix entitles the petitioners for bail.

4. Accordingly, the Criminal Petition is disposed of giving liberty to the petitioners before the learned Magistrate and move regular bail with notice to the A.P.P concerned. In such event, the learned Magistrate shall grant bail on the same day with necessary conditions. The learned Judge can dispense with the presence of the petitioners/accused at post bail stage pending investigation before the Court. Further remedies, if any, are left open in the event of filing charge sheet for any of the offences and any cognizance taken by the learned Magistrate. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

21-08-2015

nvl