

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3692 of 2015

ORDER:

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The petitioners, who are A1, A2, A4 and A5, filed the present application under Section 438 Cr.P.C., seeking release in the event of their arrest in connection with Crime No.118 of 2014 of Penagalur Police Station, Y.S.R. Kadapa District. A charge sheet came to be filed against the petitioners and two others for offences punishable under Sections 324, 353 read with Section 34 of IPC.

The case of the prosecution is as under:

The informant is an injured working as police constable at Penagalur Police Station and A2 to A4 are staff of Tahsildar's office. On 03.12.2014 at about 11.30 a.m., L.W.5, who is the incharge V.R.O., Velagacherla Village, Penagalur Mandal came to Penagalur Police Station and informed to the S.I. of Police, Penagalur about A1 to A6 coming to the M.R.O's office, Pengalur and creating violence with regard to a way through their lands. On the instructions of officers, the S.I. of police was issued passport and he was sent to MRO's office to protect the revenue officers. LW1 rushed to the M.R.O. office and found the accused quarrelling with LW2 with regard to taking measurements of the land. Though LW1 tried to convince the accused about the matter, but failed to do so. Thereafter, all the accused are alleged to have pounced on LW1 and used unpleasant words against him. It is alleged that the accused caught hold of the shirt of LW1 and assaulted him while he was discharging his duties. Basing on these allegations, a charge sheet came to be filed.

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

A perusal of the material placed before the Court would show that in respect of the quarrel which took place on 03.12.2014 in the M.R.O. Office, the first accused, who is aged about 60 years, is alleged to have received injuries and the police also recorded his statements, but strangely no case is registered. Further, the dispute, as seen from the averments in the charge sheet and the report is with regard to a path way. A legal notice came to be

issued on behalf of the petitioners after obtaining the documents under Right to Information Act wherein it is mentioned that there are no Government land or constructions in Survey Nos. 506 and 568.

Having regard to the circumstances stated above and as the NBWs are pending against the petitioners, their request can be considered on certain terms and conditions.

Accordingly, the Criminal Petition is allowed and the petitioners shall surrender before the Judicial First Class Magistrate, Nandalur, within a period of ten days from today and on such appearance, the petitioners shall be released on bail on such terms and conditions as the said Court deems fit and proper.

JUSTICE C. PRAVEEN KUMAR

27.04.2015

vhb