

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.10079 of 2015

ORDER:

This criminal petition is filed by the petitioner – Accused No.4 under Section 438 of Criminal Procedure Code seeking to grant bail in Crime No.308 of 2015 on the file of Dhone Police Station, Kurnool District, registered for the offences punishable under Sections 323, 355 and 506 read with 34 IPC and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Heard and perused the material available on record.

The case of the prosecution is that the de facto complainant is the councilor of 17th ward of Dhone Municipality and in the Municipal council meeting that was held on 28.08.2015, the Chairperson has suspended the 5th ward council for a period of three months. In that connection, the petitioner and other accused attacked the chairperson and also other ward councilors. Thereafter, in the evening when the de facto complainant went to a tea stall along with his friends, the petitioner and other accused came there and abused him in the name of his caste and the petitioner beat him with his legs.

Learned counsel for the petitioner submitted that the allegations against the petitioner are false and baseless and due to political rivalry the present case was foisted against him and on the date of the occurrence, the petitioner was present in the Court in connection with another crime, arising out of Negotiable Instruments Act and that the earlier bail application filed by the petitioner was dismissed by this Court and he is ready to abide the conditions imposed by this Court.

Learned Public Prosecutor submitted that the petitioner is involved in other cases also and requested to impose some conditions.

Considering the facts and circumstances of the case and also taking into consideration the submission made by the learned Public Prosecutor, this Court inclined to pass the following order:

In the circumstances, the Criminal Petition is allowed and the petitioner – A4 is directed to surrender before the Magistrate concerned on or before 20.10.2015 and on such surrender he shall be enlarged on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum to the satisfaction of the said Magistrate. The petitioner is further directed not to enter into Kurnool District from 21-10-2015 to 20.12.2015 and is directed to stay at Hyderabad and report before the Superintendent of Police, CID, Hyderabad.

It is made clear that the petitioner is not entitled for any modification of the above conditions till completion of complying with the same.

RAJA ELANGO, J

October 07, 2015.

KTL