

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2947 of 2016

ORDER:

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The petitioners, who are A1 and A8, filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of their arrest in connection with Crime No.14 of 2016 of Lokeshwaram Police Station, Adilabad District, registered for the offences punishable under Sections 147, 148, 452, 427, 332, 353 read with Section 149 of IPC and Section 3(1)(i) of SC (POA) Act.

The case of the prosecution is as under:

The informant who is Head Constable lodged a report stating that as per the instructions of the higher officials, he along with other police personnel went to Puspur Village on picketing duty on 26.01.2016 to maintain law and order. On that day, at about 08.30 am., the village Sarpanch, after flag hoisting at ZPSS and grampanchayat, discussed along with A1, A6 to A9, A17, A18 and others about an incident which occurred on 24.01.2015 and decided to burn the house of Bollala Rajanna, who is an accused in Crime No.13 of 2016 and accordingly they were alleged to have entered the house by breaking open the lock, brought all the household articles out of the house and set fire along with two other motorcycles belonging to B.Rajanna and Shaik Sajid. When the police intervened, the accused are alleged to have beat the police with hands and sticks, causing injuries. Basing on these allegations, the present case came to be registered.

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

Learned counsel for the petitioners submits that the petitioners are innocent of the offences alleged and a false case has been foisted against

them.

Learned public prosecutor opposed that the CD file clearly discloses the commission of the offence by the petitioners and as such they are not entitled for anticipatory bail.

It is to be noted that the first information report is silent with regard to the role played by the petitioners, but, however, investigation done by the police so far revealed the presence and participation of the petitioners in the alleged offence.

Having regard to the facts and circumstances of the case and taking into consideration that the other accused are arrested and released on bail, the petitioners are directed to surrender before the concerned Court and move an application for bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law on the same day or at the earliest.

Accordingly, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

14.03.2016
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