

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR
CRIMINAL PETITION Nos. 1624, 1648 & 2877 of 2016

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COMMON ORDER:

These three applications are filed under Section 439(2) Cr.P.C., seeking cancellation of bail granted to the respondents herein by this Hon'ble Court in Crl.P.Nos.13687 of 2015, 13856 of 2015 and 13850 of 2015 respectively.

A case in Crime No.137 of 2015 of Undrajavaram Police Station, West Godavari District, came to be registered against six named accused and 150 others for the offences punishable under Sections 143, 147, 148, 448, 427, 307, 324, 506(2) read with 149 IPC. The averments in the report would show that on the date of incident at about 8.30 p.m., while the informant was on the way to his house in a car, a group of persons tried to stop the Car at Kukka Mondem centre. He is alleged to have escaped from them and thereafter the Driver dropped him at his house. When the informant was about to cross the gate of his house, some persons came from behind and started abusing him in filthy language. The averments in the report show that A-1 and A-2 stabbed him with knives on his head. Thereafter Rachamalla Anjaneyulu, Veeramalla Satyam, Chitikena Ramu, Venigatla Prabhuvaram and 150 others are alleged to have beat him with sticks and rods apart from abusing in filthy language. On seeing the incident, the father of the informant intervened and he was also beaten with sticks and rods. Thereafter, mother and wife of the informant by name Anantha Lakshmi and Praveena came and pleaded with the accused not to attack the informant but their pleadings were not adhered to. Thereafter, the family members took the informant inside and closed the doors. Basing on these allegations, the present report came to be filed.

In Crl.P.No.13687 of 2015 Accused Nos.1,2,3,4,7,9 and 10 were granted anticipatory bail by this Court on certain terms and conditions. In Crl.P.No.13850 of 2015 Accused Nos.5,6 and 8 were granted regular bail and in Crl.P.No.13856 of 2015 Accused 11, 12, 13, 14, 15, 17, 18, 19, 20, 23 and 25 were granted anticipatory bail by this Court. It is to be noted that in all the orders granted by this Court, the petitioners were directed not to enter West Godavari District for a period of 15 days and 25 days from the date of the order. It is alleged that since the petitioners have violated the conditions of bail and are trying to interfere with the investigation, the present applications came to be filed.

The learned counsel for the petitioner/complainant mainly submits that respondent No.2 in Crl.P.No.2877 violated the conditions of bail by entering into the village and attacking an individual. He submits that in respect of the said incident a case in Crime No.5 of 2016 of Undrajavaram Police Station, West Godavari District, came to be registered for the offences punishable under Sections 448, 427, 506(2) and 323 IPC. He further submits that all the accused have been threatening the witnesses with dire consequences if they deposed against them.

The learned counsel for the respondents opposed the application by filing a counter. It is mainly submitted that there is enmity between two groups in the village and much prior to the present crime a case in Crime No.136 of 2015 was registered against the prosecution party. The informant herein is A-1 in the said crime and he is also involved in similar kind of offences earlier. He submits that a rowdy sheet was also opened against him, which was questioned by way of filing W.PI.No.31877 of 2015 before this Court. The learned counsel for the respondents further submits that the first respondent in Crl.P.No.2877 of 2016 received cut injuries on the right side of his face and aberrations on the body. Further, the 4th respondent in the said

application also received grievous injuries and was operated upon 23.12.2015. It is said that he is still undergoing treatment and is on medication. The 6th respondent in the above application also received serious stab injuries over left buttock and the said facts are admitted by the petitioner in CrI.P.No.13197 of 2015 filed by the informant herein seeking anticipatory bail in Crime No. 136 of 2015. It is stated that though investigation is complete, the police have not filed charge-sheet only with a view to harass these respondents. It is further submits that the respondents have not violated any conditions and are away from the village.

The learned Additional Public Prosecutor on instructions states that they have not received complaint with regard to violation of conditions and the alleged threatening by the accused, but however submits that a case in Crime No.5 of 2016 came to be registered against one of the accused.

On a perusal of the material on record, it is clear that till date no report has been given by any of the witnesses with regard to alleged threat by the accused. Admittedly there are disputes between both the groups in the villages and cases are registered against both the parties. The material on record further discloses that some of the accused have received grievous injuries in respect of the incident which lead to registration of Crime No.136 of 2015 against the informant and others. It is true that the material on record discloses that a case in Crime No.5 of 2016 came to be registered for the offences punishable under Sections 427, 448 and 506(2) IPC against the second respondent in CrI.P.No.2877 of 2016 and others, to which the counsel for the respondent submits that a false case has been foisted with a view to implicating in other case and also to show that the respondents have violated the conditions of the bail. Though various grounds are raised touching the merits of the case, but it may not be necessary to consider the same since the respondents were granted

bail and anticipatory bail after perusing the records.

The question is, whether the respondents herein have violated the conditions of bail?

As stated earlier, there is no complaint from any of the groups with regard to the respondents threatening the witnesses or tampering with the evidence. Infact the record discloses that in the month of December itself the statements of all the witnesses were recorded by the police during the course of investigation. As stated earlier, the case in Crime No.5 of 2016 came to be registered against one of the accused, but having regard to the enmity between the two groups in the village and taking into consideration the crimes, which are registered against both the parties, that by itself may not be a ground to cancel the bail granted.

Having regard to the facts and circumstances of the case, taking into consideration the nature of allegations made and since cases are registered against both the groups and with a view to maintain normalcy in the village, the second respondent in CrI.P.No.2877 of 2016 against whom a case in Crime No.5 of 2016 of Undrajavaram Police Station is registered for the offences punishable under Sections 448, 427, 506(2) and 323 IPC, shall report before the Station House Officer, Undrajavaram P.S., twice in a week i.e., on every Wednesday and Friday between 10.00 a.m., and 5.00 p.m., until further orders. Further, all the respondents in all the three criminal petitions shall not interfere with the investigation or tamper with the evidence. All the respondents shall make themselves available to the investigation agency as and when required by them.

With the above observation, all the three Criminal Petitions are disposed of.

JUSTICE C.PRAVEEN KUMAR

Date: 04.04.2016
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