

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4223 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 to 3, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.8 of 2017 on the file of Station House Officer, Vedurukuppam Police Station, Chittoor District, registered for the offences punishable under Sections 436, 506 and 509 read with 34 IPC.

2. The facts relating to filing of the present petition are briefly as follows:

Basing on the complaint of the Chandrakala @ Kamma, the Station House Officer, Vedurukuppam Police Station, registered a case in Crime No.8 of 2017 against the petitioners for the offences punishable under Sections 436, 506 and 509 read with 34 IPC. The petitioners are accused Nos.1 to 3. It is the case of prosecution that on 16.01.2017 at about 6:00 PM, petitioner Nos.1 and 2 poured kerosene and set fire to youth leaders' flexi and in that process the coconut leaves paidal burnt. It is further alleged that a petty quarrel took place, wherein petitioner Nos.1 and 2/accused Nos.1 and 2 abused the *de facto* complainant in filthy language and threatened with dire consequences.

3. Learned counsel for the petitioners strenuously submitted that the *de facto* complainant foisted a false case against the petitioners as a counter blast to Crime Nos.9 and 11 of 2017 on the file of Station House Officer, Vedurukuppam Police Station, Chittoor District. He further submitted that due to village politics,

petitioner No.1, who is an employee of APSRTC, was falsely implicated. He further submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no *prima facie* case is made out so far as petitioner No.3/accused No.3 is concerned for the offence punishable under Section 436 IPC. He further submitted that even as per the allegations made in the complaint, the petitioners herein set fire to the flexi, but inadvertently part of the temple was damaged.

4. Learned Additional Public Prosecutor appearing for the State of Andhra Pradesh submitted that petitioner No.1 has been working as a driver in APSRTC and in all fairness he submitted that no *prima facie* case is made out against petitioner No.3 for the offence punishable under Section 436 IPC.

5. A perusal of the record clearly reveals that both parties are fighting with each other. It is not in dispute that the wife of petitioner No.1 is the Sarpanch of Tirumalaiahpalli village. In such circumstances, due to village politics, the possibility of falsely implicating the petitioners cannot be ruled out completely. Petitioner No.1 has been working as a driver and if he was arrested and remanded to judicial custody, he may lose his job. As observed earlier, the material placed before this Court is *prima facie* not sufficient to prove the ingredients of Section 436 IPC. The offences under Sections 506 and 509 IPC are bailable. As observed earlier, petitioner No.2 is the *de facto* complainant in Crime No.9 of 2017. In such circumstances, the possibility of implicating petitioner No.2 cannot be ruled out completely.

6. As rightly pointed out by learned counsel for the petitioners that it is not the intention of the petitioners to set fire to the temple. A perusal of the record reveals that basing on the complaint lodged by petitioner No.2, the Station House Officer, Vedurukuppam Police Station, registered a case in Crime No.9 of 2017 for the offences punishable under Sections 341, 323 and 506 read with 34 IPC against the *de facto* complainant and her group. Basing on the complaint lodged by wife of petitioner No.1, the Station House Officer, Vedurukuppam police station registered a case in Crime No.11 of 2017 for the offences punishable under Sections 354, 323 and 506 read with 34 IPC against petitioner No.2 and his group. As per the allegations made in the complaint in Crime Nos.9 and 11 of 2017, the alleged incident has taken place on 15.11.2007.

7. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to grant pre-arrest bail to the petitioners.

8. In the result, the criminal petition is allowed, directing the Station House Officer, Vedurukuppam Police Station, Chittoor District, to release the petitioner Nos.1 to 3 /accused Nos.1 to 3 on bail, in the event of their arrest in connection with Crime No.8 of 2017, on each of them executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to his satisfaction. Further, the petitioners are directed to comply the following conditions:

- (1) They shall make themselves available for interrogation by Police as and when required;
- (2) They shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police Officer; and
- (3) They shall not leave India without the previous permission of the concerned Court.

AUGUST 01, 2017
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T.SUNIL CHOWDARY, J



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Date:01.08.2017

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