

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION Nos.5291 AND 5152 OF 2017**

**COMMON ORDER:**

Both these Criminal Petitions are filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, requesting for grant of regular bails.

2. The former Criminal Petition (Crl.P. No.5291 of 2017) arises out of Crime No.23 of 2016 of Bheemini Police Station, Mancherla District, Telangana State, registered against accused Nos.1 to 7 for the offences punishable under Sections 354, 307, 323, 294B and 506 read with 34 of the Indian Penal Code, 1860 (for short 'IPC'). The latter Criminal Petition (Crl.P. No.5152 of 2017) arises out of Crime No.37 of the very same police station registered against accused Nos.1 to 17 for the offences punishable under Sections 147, 148, 448, 307, 342, 323 and 294B read with 149 IPC. *De facto* complainant - Mrs. Burla Padma is one and the same in both the crimes.

3. The former petition is filed by accused Nos.1 to 4 in Crime No.23 of 2016, while the latter petition is filed by accused Nos.1, 2, 4 to 7 and 12 in Crime No.37 of 2017. The petitioner Nos.1 to 3 in the former petition also arrayed as petitioner Nos.1, 7 and 2 in the latter petition respectively. However, petitioner No.4 in the former petition is not figuring in the list of accused in Crime No.37 of 2017, which relates to the later petition.

4. Though, both the petitions relate to distinct offences, they are taken up together for hearing and are being disposed of by way of a common order.

5. Heard Sri N. Indrasena Reddy, learned counsel for the petitioners respectively, and the learned Additional Public Prosecutor for the State of Telangana.

6. So far as Criminal Petition No.5291 of 2017 is concerned, the allegations are that on 25.02.2017 in the evening hours at about 5.00 p.m., all the seven accused persons came to the *de facto* complainant's land and started digging pits with crowbars, and when she questioned them, they replied that they were constructing a shed and they will not allow her to live therein as she has gone for inter-caste marriage and also questioned her as to who would support her. Then, one Ashok caught hold of her saree questioning her, what her husband can do if he commits rape on her and dragged her by holding her hand. The other accused persons - Padma, Sathakka and Anitha abused her using filthy language, uttering abusive words, also stating that if they do anything to her, none will support her as she is a rambler and fisted her indiscriminately. When her husband - Mallesh, who observed the same, questioned them as to why they were beating his wife, Ashok, Rajaiah, Sudhakar and Chinna Bhumaiah came there with crowbars and threatened with dire consequences to kill them stating that if they do anything to them, none will support them and beat them with crowbars, but, somehow, they escaped from there receiving bleeding injuries on their hands, neck, right leg and stomach and approached

the police to take necessary action against them. The said complaint was registered as Crime No.23 of 2016 for the aforesaid offences.

7. So far as criminal petition No.5152 of 2017 is concerned, the complainant alleges that on 17.03.2017 in the morning at about 7.00 a.m., while she was at her house, village Sunkari - Kandula Shankari came there and asked her to attend *panchayath* along with her husband and she informed him that her husband is not available in the house due to fear of the villagers, but the said village Sunkari did not hear and called 17 accused persons belonging to Dampur village and they criminally trespassed into her house and beat her husband with sticks and twisted him with an intention to kill him and caused bleeding injuries though, there was bleeding from his nose and ears, still, they brought him in front of the school and tied him with rope to a tree and started to beat him with their sticks, due to which, he fell down and became unconscious. When she made a phone call, he was taken in 108 Ambulance Service and shifted to hospital. Basing on the said complaint, Crime No.37 of 2017 was registered for the aforesaid offences.

8. The learned counsel for the petitioners in both the petitions while pleading innocence and false implication, would submit that the entire complaint would not reveal any specific overt acts being attributed to any of the petitioners; that the police have completed the entire investigation except formal filing of charge sheet; that the petitioners are all agriculturists and they have to cultivate their lands since already agricultural season is commenced and the petitioners are only bread-earners of their families and if they are not enlarged on bail, their families would put to severe hardship

and, therefore, sought to grant regular bails. He fairly concedes that the petitions filed for grant of regular bail were dismissed by the learned V Additional District and Sessions Judge.

9. The learned Additional Public Prosecutor resisted the request. It is his submission that the petitioners and other accused repeated the attack on the husband of the *de facto* complainant, and more particularly, the second incident involving the petitioners and other accused persons tying the husband of the *de facto* complainant to a tree and beating him and leaving him when he became unconscious, are all sufficient to view that in case they are enlarged on bail, they even attack the *de facto* complainant and her husband with vengeance and since the investigation is still under progress, sought to reject the request.

10. It is not as though that there are no overt acts attributed to the petitioners at all. The complaint allegations would reveal the same. Besides the same, Section 34 of IPC is attached to the substantive penal provisions providing the sentences. Therefore, when there are allegations to show participation in furtherance of common intention, it is difficult to accede to the request for grant of bail. This apart, the very conduct of the petitioners in attacking the *de facto* complainant's husband and the *de facto* complainant within a span of less than a month from the date of first attack, that too, the allegations showing that they entered into the house in the second incident and beat the husband of the *de facto* complainant and though, he was suffering from bleeding injuries and there was bleeding from his nose, still brought him from the house and tied to a tree and beaten him

with sticks and leaving him only when he became unconscious, would certainly even at this stage does not rule out the apprehension that the petitioners would attack again.

11. It is no doubt true, the learned counsel tried to impress upon the Court that the *de facto* complainant and her husband sustained simple injuries, but the injury certificate is filed in connection with the first incident alone, but the medical certificate relating to the husband of the *de facto* complainant for the injuries he sustained in the second incident is not placed by the petitioners for perusal to support the submission of the learned counsel that even in the second incident also, the husband of *de facto* complainant sustained only simple injuries. Therefore, even regular bail also cannot be granted to them at this stage.

Both the Criminal Petitions are, accordingly, dismissed.

**JULY 12, 2017**  
Mgr

**A. SHANKAR NARAYANA, J**