

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND SEVENTEEN**

:PRESENT:
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRL. P. NO:11758 of 2017

Between:

- 1 Malchi Subbaramaiah S/o. Venkata Swamy,
- 2 Gera Sudhakar @ Sudheer S/o. Daya Sagar,
- 3 Nuthalapati Sikhamani S/o. Rajaratnam,
- 4 Malchi Suvarthamma @ Subbamma W/o. Subba Ramaiah,
- 5 Nuthalapati Sijatha W/o. Sikhamani,
- 6 Bhimathati Prabakar Rao S/o. Mark Neelagiri Sangham,
- 7 Yella John Mathal S/o. Abraham,
- 8 Gera Daya Sagar S/o. Devadas,

..... Petitioners/Accused Nos. 1 to 8

AND

The State of Andhra Pradesh, through SHO I Town P.S., Nellore, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad, For the State of Telangana and the State of Andhra Pradesh

.....Respondent

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to grant anticipatory bail to the petitioners/A1 to A8 in the event of their arrest in connection with Crime No. 139/2017, dated 30.08.2017 of I Town Police Station, Nellore , SPSR Nellore District.

Counsel for the Petitioners : SRI K.V.BHANU PRASAD

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR (AP)

The Court made the following ORDER:

“This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-A1 to A8 for the offences alleged under Sections 447, 448, 449, 354, 354(a), 323 and 506 r/w 34 IPC.

2. Heard learned counsel for the petitioners-A1 to A8, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A1 to A8 would submit that the petitioners are innocent persons and falsely implicated in this case due to the differences in the Church with regard to the prayers and timings and ultimately, prayed to allow the petition.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A1 to A8.

5. In the course of submissions, it is brought to the notice of this Court that petitioner-A6 lodged a report with the police against the de facto complainant and a case was registered against the de facto complainant and others in Cr.No.58 of 2017 for the offences under Sections 323, 341 and 290 IPC. With regard to the same incident, this case is registered on a reference made to the Police Station concerned under Section 156 (3) Cr.P.C. It is alleged that the petitioners and other accused abused and pulled the tuft of the de facto complainant and caused injuries on 15.04.2017 around 6.00 P.M., when the de facto complainant and her family members were offering prayers in the Church. There is no specific overt act against any of the accused with regard to tearing jacket and saree of the de facto complainant in the complaint.

6. Having regard to the nature of allegations and in view of differences between the parties to the litigation with regard to prayers in the Church, the petitioners-A1 to A8 can be granted bail under Section 438 Cr.P.C.

7. In the result, the Criminal Petition is allowed directing the petitioners-A1 to A8 to surrender before the Station House Officer, I Town Police Station, Nellore, within 15 days from the date of this order. On such surrender, the said S.H.O. shall release the petitioners-A1 to A8 on bail, each of them executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each in a like sum to his satisfaction. On release, the petitioners-A1 to A8 shall abide by the conditions mentioned under Section 438 (2) Cr.P.C. The petitioners-A1 to A8 shall attend before the S.H.O. concerned on every Sunday between 9.00 A.M. and 10.00 A.M. till filing of charge sheet.”

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The II Addl. Judicial Magistrate of First Class, Nellore, SPSR Nellore District.
2. The Station House officer, I Town Police Station, Nellore, SPSR Nellore District
3. Two CCs to Public Prosecutor, (AP), High Court of Judicature, at Hyderabad (OUT)
4. one CC to Sri K.V.Bhanu Prasad, Advocate (OPUC)
5. one Spare copy

HIGH COURT

**AB
DRAFTED ON 7-12-2017**

DR.SA,J

DATE: 06-12-2017



ORDER

CRL.P. NO. 11758 OF 2017

DIRECTION