

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

: PRESENT :

THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP .No. 11877 of 2017

Between:-

- 1.B. Gopal, S/o. Shankaraih
- 2.B. Shankaraiah, S/o. Shankaraiah
- 3.B. Somaiah, S/o. Cinnabba Mandali
- 4.B. Shobhan Babu, S/o. B. Shankaraiah
- 5.B. Sarala, S/o. Gopala Krishnaiah
- 6.B. Thavamani, S/o. B. Shankaraiah.

..... Petitioners/Accused Nos. 2 to 7.

AND

State of Andhra Pradesh, Rep. by its Public Prosecutor,
High Court of Judicature at Hyderabad.

.....Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to release the petitions/accused Nos. 2 to 7 by granting anticipatory bail in the event of their arrest in connection with Crime No. 34 of 2017 on the file of S.R. Puram Police Station, Chittoor District.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of M/s. Indus Law Firm, Advocate for the Petitioners and of Addl. Public Prosecutor(AP) on behalf of Respondent-State, the Court made the **following ORDER :-**

“This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners-A2 to A7, for grant of anticipatory bail in the event of their arrest in Crime No.34 of 2017 on the file of S.R.Puram Police Station, Chittoor District, registered for the offences punishable under Sections 307, 147, 148, 447, 427, 323, 324 r/w Section 149 I.P.C.

2. Heard the learned counsel for petitioners-A2 to A7, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners would submit that the petitioners are innocent persons and they were falsely implicated in this case. When the *de facto* complainant and others attacked the petitioners, they have lodged a report with the Police of S.R.Puram Police Station. On that, a case in Cr.No.19 of 2011 was registered against them. As a counter-blast, this case was foisted on them. These petitioners did not trespass into the agricultural land of *de facto* complainant and did not cause any injury to any of the persons including the *de facto* complainant. Further, A1 was arrested and remanded to judicial custody and was granted regular bail and the offence alleged to have taken place on 07.06.2017. Most part of the investigation is completed and ultimately, prayed the Court to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A2 & A7 stating that when the *de facto* complainant and others were fixing electric motor in a bore-well in his land, these petitioners along with A1 trespassed into the agricultural land, belonging to the *de facto* complainant, prevented them from fixing the bore-well and assaulted them with sticks and iron rods; in the process caused grievous injuries and ultimately, prayed the Court to dismiss the application.

Contd.2..

5. As per the material placed on record, on 07.06.2017 at about 8.00 A.M. when the *de facto* complainant, along with mechanic and other persons, was fixing an electric motor in a bore-well situated in his land, these petitioners along with A1 went there and objected the *de facto* complainant in doing so by stating that if he starts pulling water from their bore-well, the water level in their agricultural land would go down and they did not get water and in that process the petitioners-A2 to A5 alleged to have attacked the *de facto* complainant and two others with iron rods, sticks etc and caused injuries. As per the copies of medical report furnished before this Court, the *de facto* complainant suffered grievous injuries and LWs 2 and 3 suffered simple injuries. There are specific overt acts against the petitioners-A2 to A5. The specific allegation against the petitioners-A6 & A7 is that they beat the *de facto* complainant with hands and kicked with legs and prevented them from doing so. As per the record, a suit in O.S.No.64 of 2013 was filed before the Court of Principal Junior Civil Judge, Puttur for permanent injunction and there is also a crime pending between the parties in Cr.No.19 of 2011 on the file of S.R.Puram Police Station. The relationship between both the parties to the litigation is inimical. Under the circumstances, there is a possibility of false implication of the petitioners-A6 & A7 in this case, who are women viz., B.Sarala and B.Thavamani respectively. In view of the gravity of offence, it is not appropriate to release the petitioners-A2 to A5 on bail under Section 438 Cr.P.C., their release would hinder the investigation and there is also possibility of disappearance of material evidence. Therefore, the bail application of petitioners-A2 to A5 is dismissed. As far as the petitioners-A6 & A7 are concerned, who are woman; in view of the nature of allegations levelled against them, they can be granted bail under Section 438 Cr.P.C. on some conditions.

6. Accordingly, the petitioners-A6 & A7 are directed to surrender before the Station House Officer, S.R.Puram Police Station, Chittoor District, within a period of fifteen (15) days from the date of this order. On such surrender, the Station House Officer, S.R.Puram Police Station, Chittoor District, shall release the petitioners-A6 & A7 on bail on their executing a personal bond each for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his satisfaction. After being released on bail, the petitioners-A6 & A7 shall report before the Station House Officer, S.R.Puram Police Station, Chittoor District, on every second Saturday between 09:00 AM and 10:00 AM, till filing of the charge-sheet. The petitioners-A6 & A7 shall also abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigation officer in the investigation of the case.

Accordingly, the Criminal Petition is partly allowed.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The X Additional District & Sessions Judge, Tirupati, Chittoor District.
- 2.Station House Officer, S.R. Puram Police Station, Chittoor.
- 3.Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT)
- 4.One CC to M/s. Indus Law Firm, Advocate(OPUC)
- 5.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.14-12-2017.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 11877 of 2017

**RELEASE THE PETITIONER NOS. 6 & 7
ON BAIL**

**DRAFTED BY TKK
DT.16-12-2017.**

HIGH COURT

DR.SA.J

DT.14-12-2017.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 11877 of 2017

**RELEASE THE PETITIONER NOS. 5 & 6
ON BAIL.**