

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY, THE TWENTY THIRD DAY OF MARCH,
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO: 3140 OF 2018

Between:

1. Bijendra Reddy Gangula, S/o G. Prabhakar Reddy
 2. Bharath Kumar Reddy Singam, S/o Late S. Venkata Reddy
- Petitioners/A1 and A2

AND

State by Station House Officer, Allagadda Town, Kurnool, rep by Public Prosecutor, for the State of Andhra Pradesh, High Court of Judicature at Hyderabad, for the State of Telangana and the State of Andhra Pradesh

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the memo of grounds filed herein, the High Court may be pleased to enlarge the petitioners/accused No.1 and 2 on bail in the event of their arrest in connection with FIR No. 18 of 2018 dated 03-03-2018 on the file of the Allagadda Town PS., Kurnool District.

The petition/Appeal coming on for hearing, upon perusing the Petition and the memo of grounds filed herein, and upon hearing the arguments of Sri O Manohar Reddy, Advocate for the Petitioners, and of Public Prosecutor (AP) for Respondent, the Court made the following

ORDER

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3140 OF 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C to enlarge the petitioners/A-1 & A-2 on bail in the event of their arrest in connection with Crime No.18 of 2018 on the file of Allagadda Town Police Station, Kurnool District, for the offences punishable under Sections 307, 506 r/w 34 IPC and Sections 3(1)(r), 3(1)(s) of SC/ST POA Act, alleging that the petitioners tried to kill the defacto complainant and abused him in filthy language in cuss words by taking his caste name.

During hearing, learned counsel for the petitioners produced original affidavit attested by Advocate Notary dated 22.03.2018, informing that the complaint is far from truth, since he has been used as a pawn in the political rivalry between the family of the first petitioner and the other politically dominant family in the constituency. The defacto complainant also stated in paragraph 4 of the affidavit that he has no objection for granting bail to the petitioners herein in connection with Crime No.18 of 2018 on the file of Allagadda Town Police Station, since he has already filed an affidavit and joint compromise memo in CrI.P.No.2489 of 2018 which is filed by the petitioners for quashment of the proceedings in the above crime. Based on the affidavit filed by the defacto complainant, learned counsel for the petitioners requested to grant pre-arrest bail to these petitioners.

Whereas, learned Public Prosecutor for the State of Andhra Pradesh opposed the petition, on the ground that the defacto

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complainant was not available for his examination by the police during investigation and prayed to dismiss the criminal petition.

However, when the defacto complainant appeared in person before this Court and made a clear statement reporting no objection to grant bail to the petitioners, duly notarized by a Notary public, it shows that the allegations made in the complaint are far from truth. When the defacto complainant by taking advantage of his Caste i.e. Scheduled Caste, lodged a false report, the Investigating Agency is at liberty to take necessary action against the petitioners, but it is not a ground to reject the bail, in view of the no objection reported by the defacto complainant.

In the result, the criminal petition is allowed. The Station House Officer, Allagadda Town Police Station, Kurnool District is directed to release the petitioners on bail, in the event of their arrest, on their executing personal bond for Rs.20,000/- (Rupees Twenty thousand only) each, with two sureties for a like sum each to the satisfaction of the Station House Officer, Allagadda Town Police Station, Kurnool District.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

SD/- T. KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Station House Officer, Allagadda Town Police Station, Kurnool District
2. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
3. One CC to Sri O. Manohar Reddy, Advocate (OPUC)
4. One spare copy

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HIGH COURT

MSM,J

DATED:23/03/2018

ORDER

CRLP.No.3140 of 2018



DIRECTION

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