

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION Nos.4492, 4493 AND 4494 OF 2018

COMMON ORDER:

Criminal Petition No.4492 of 2018, is filed by the petitioners, who are arrayed as accused Nos.A-10 to A-12, Criminal Petition No.4493 of 2018 is filed by the petitioners, who are arrayed as accused Nos.A-13, A-17, A-19 and A-20, and Criminal Petition No.4494 of 2018 is filed by the petitioners, who are arrayed as accused Nos.A-21 to A-23 and A-25, under Section 438 of Cr.P.C., in Crime No.14 of 2018 of Varadaiahpalem Police Station, Chittoor District, apprehending their arrest in the above Crime, registered for the offences punishable under Sections 341, 353 and 506 R/w.34 of I.P.C.

2. Heard, the learned counsel for the petitioners, learned Public Prosecutor (A.P.) appearing for the respondent-State, and perused the records.

3. The case of the prosecution, in all the three petitions, in brief, is that the de-facto complainant, who is the Head Constable in Varadaiahpalem Police Station, while attending his general duty at Varadaiahpalem Police station, on 24.02.2018, his officer has arrested the absconding accused in Crime No.10 of 2018 viz., B.Babu, brought him to the police station in order to produce him before the Judicial First Class Magistrate, Satyavedu, and, in that process, when the escort Police started from the police station, relatives of the accused B.Babu i.e., the petitioners and other villagers 26 in number thronged the escort jeep, stopped the escort Police, who were on escort duty, and highhandedly used abusive language and misbehaved against them.

4. Learned counsel for the petitioners submits that the petitioners did not commit any offences much less the aforesaid offences. Learned counsel further submits that all the petitioners are residents of Sri City village and the petitioners along with B.Babu filed Writ Petitions against Sri City Company and obtained *interim* orders therein but the Government officials insisted the petitioners to withdraw those Writ Petitions, pending before this Court, and when they did not oblige for the same, the Police personnel falsely foisted a false case against these petitioners and finally prayed to enlarge the petitioners on bail in the event of their arrest in the above crime.

5. On the other hand, learned Public Prosecutor (A.P.), appearing for the respondent-State, opposed the Petition on the ground that the investigation is not completed and obstructing the escort Police from discharging their legitimate duties would, *prima-facie*, amount to deterring the public servants from discharging their duties. Therefore, the material on record including the statements of the witnesses examined by the Investigating Agency discloses that these petitioners along with others deterred the public servants from discharging their duties and there is *prima-facie* material against the petitioners and finally prayed to dismiss these Petitions.

6. As seen from the material available on record, M.S.Venkatesh, who is the de-facto complainant and Head Constable, while attending his general duty on 24.02.2018 at Varadaiahpalem Police Station, and engaged in escorting duty of B.Babu, accused in Crime No.10 of 2018, to produce him before the learned Judicial First Class Magistrate, Satyavedu, the petitioners along with others obstructed the escort Police from discharging their duties thereby deterred the public servants from

discharging their legitimate duties and the statements recorded by the Police so far under Section 161(3) of Cr.P.C. discloses that these petitioners obstructed the public servants from discharging their duties *i.e.*, production of an accused arrested by the Police before the Judicial First Class Magistrate, Satyavedu. Therefore, when the escort Police themselves were obstructed by the petitioners, it is a serious offence which would fall under Section 353 of I.P.C. and the other offences punishable under Sections 341 and 506 of I.P.C. are only bailable offences. All the witnesses examined so far *i.e.*, L.Ws.1 to 10 with one voice stated that these petitioners and others obstructed the escort Police from discharging their duties *i.e.*, 'public servants' as defined under Section 21 of I.P.C. Hence, I find *prima-facie* material against these petitioners to directly point out their complicity and consequently the petitioners are not entitled to be enlarged on anticipatory bail.

7. The Apex Court in ***Siddharam Satlingappa Mhetre Vs. State of Maharashtra***¹ laid down certain guidelines to be taken into consideration while dealing with anticipatory bail and as per the 1st guideline, the Court must take into consideration the gravity and seriousness of the offence and, as per the 8th guideline, the Court has to strike balance between individual right to liberty and the societal interest. If these principles are applied to the present facts of the case, when the escort Police themselves were obstructed by the petitioners and others and taking into consideration of the facts and circumstances of the case, I am of the considered view that it is not a fit case to enlarge the petitioners on pre-arrest bail as there is *prima-facie* material against the petitioners showing their involvement in the aforesaid offences.

¹ 2010 (12) TMI 1085 SC

8. In the result, these three Criminal Petitions are dismissed. In consequence, miscellaneous petitions, if any, pending in these Petitions shall stand dismissed.

M.SATYANARAYANA MURTHY, J

Date: 23.04.2018.
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