

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

TUESDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND EIGHTEEN

PRESENT
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRL.P.No. 12754 of 2017

Between:

- 1 Naali Ravi Kumar S/o. Venkata Subbaiah,
- 2 Naali Vijaya Lakshmi W/o. Ravi Kumar,
- 3 Galiboina Chinna Kasamma W/o. Yerukalaiah,
- 4 Galiboina Yerukalaiah S/o. Yanadaiah

Petitioners/Accused Nos.1 to 4

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Hyderabad For
the State of Telangana and the State of Andhra Pradesh

Respondent/Complainant

COUNSEL FOR THE PETITIONERS: SRI. G. VIJAYA SARADHI

COUNSEL FOR THE RESPONDENT : THE PUBLIC PROSECUTOR (AP)

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to direct the Station House Officer, Ananthasagaram Police Station, SPSR Nellore District to release the petitioners on bail in the event of their arrest in connection with Crime No. 54 of 2017 of Ananthasagaram Police Station, SPSR Nellore District.

The Court made the following Order:

This Criminal Petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-A.1 to A.4 in crime No.54 of 2017 of Ananthasagaram police station, SPSR Nellore district registered for the offences punishable under Sections 447, 307 read with 34 IPC.

2. Heard learned counsel for the petitioners-A.1 to A.4, the learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A.1 to A.4 would submit that the petitioners-A.1 to A.4 are falsely implicated in this case; that in fact, the petitioner-A.2 was beaten by the defacto complainant and her son and as a result, she received injuries, and basing on a report lodged by the petitioner-A.2, a case in crime No.55 of 2017 of Ananthasagaram police station, SPSR Nellore district is registered and under investigation; that as a counterblast to the said case, this case is registered against the petitioners, and ultimately, he prays to allow the Criminal Petition.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A.1 to A.4 and contended that the petitioners went to house of defacto complainant, abused her and her son in filthy language, beat the defacto complainant and her son with a stick on 26.10.2017, and the defacto complainant received grievous injuries, and basing on the report lodged by her, present case is registered and under investigation.

5. As per the material placed on record, on 26.10.2017, when son of the defacto complainant was ploughing Ac.3.00 of land, which is said to be joint family property of defacto complainant and the petitioners-A.1 to A.3 herein, the petitioners went to the house of the defacto complainant, abused her and beat her, and thereupon, she went inside the house and closed the door. It is also alleged that on the information given by the defacto complainant, when her son came to the house, the petitioners-A.1 to A.4 beat the son of the defacto complainant on that day, and when the defacto complainant tried to rescue her son, the petitioner-A.1 beat the defacto complainant.

6. As per the material placed before this court, the defacto complainant was beaten by the petitioner-A.1 and she received 3 injuries, said to be grievous in nature. Copy of wound certificate of the defacto complainant is placed before this Court. There are specific overt-acts against the petitioner-A.1, of assaulting and beating the defacto complainant and her son. Petitioners-A.2 and A.3 are women. There are no grave allegations against petitioner-A.4, who is father-in-law of A.1. As per the record, a criminal case in crime No.55 of 2017 is registered against the defacto complainant and her son. Having regard to the totality of circumstances of the case and as there are specific over-acts and grave allegations against the petitioner-A.1, he is not entitled to bail under Section 438 Cr.P.C. Whereas, the petitioners-A.2 to A.4 can be enlarged on bail under Section 438 Cr.P.C.

7. In the result, the petitioners-A.2 and A.4 are directed to surrender before the Station House Officer, Ananthasagaram police station, SPSR Nellore within 15 days from the date of this order. On such surrender, the said S.H.O. shall release the petitioners-A.2 to A.4 on bail, on the each of them executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for the like sum to his satisfaction. On release, the petitioners-A.2 to A.4 shall abide by the conditions mentioned under Section 438 (2) Cr.P.C. They shall co-operate with the Investigating Officer. They shall report before the S.H.O. concerned on every Sunday between 10.00 AM and 11.00 AM till filing of charge sheet in the case.

8. The Criminal Petition is, accordingly, partly allowed.

Sd/- M.RAMANA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The IV Additional District & Sessions Judge, Nellore.
2. The Station House Officer, Ananthasagaram Police Station, SPSR Nellore District.
3. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
4. One CC to Sri. G. Vijaya Saradhi, Advocate (OPUC)
5. One Spare copy

KK

HIGH COURT

Dr.SAJ

DT. 4-1-2018

BAIL ORDER

CRL.P.NO. 12754 OF 2017

DIRECTION



Drafted by: KK
Drafted on: 4-1-2018

HIGH COURT



Dr.SAJ

DT. 4-1-2018

BAIL ORDER

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DIRECTION