

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY**

: PRESENT:

THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 1747 OF 2020

Between:

1. Kysaram Bharathamma W/o K. Manikappa
2. K. Naveen Kumar S/o K. Manikappa
3. J. Yadaiah S/o J. Balaiiah
4. J. Bal RAju S/o J Narayana
5. S. Ramesh S/o Shyasanpalli Kalappa

Petitioners/Accused Nos. 1 to 4 and 6

AND

The State of Telangana, rep. by Public Prosecutor, High Court for the State of Telangana at Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioners on bail in the event of their arrest in connection with the F.I.R. No. 21 of 2020 on the file of P.S. Narayanpet, Narayanpet Mahabubnagar District.

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri Rajgopallavan Tayi, Advocate for the Petitioners and of Additional Public Prosecutor for the Respondent, the Court made the following.

ORDER:

THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.1747 of 2020

ORDER:

This is an application for Anticipatory Bail. The petitioners herein are accused Nos.1 to 4 and 6 in Crime No.21 of 2020 of Narayanpet Police Station, Narayanpet District, registered for the offences punishable under Sections 324 and 506 read with Section 34 I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 to 4 and 6 and the learned Additional Public Prosecutor appearing for the respondent-State.

3. It is the case of the prosecution that the accused came to the function hall of the *de facto* complainant i.e., Polepally Function Hall, and beat him and his mother with sticks and tried to kill them. In the said attack, the *de facto* complainant has received grievance injuries. After the said attack, they left the place. It is also the case of the prosecution that the accused are having criminal history. Thus, the accused have committed the offence in the manner stated above.

4. The learned counsel for the petitioners would submit that the first petitioner/accused No.1 has filed O.S.No.149 of 2019 on the file of the learned Junior Civil Judge at Narayanpet for perpetual injunction, and the learned Judge has granted *status quo* order on 29.11.2019. In the said suit, the *de facto* complainant is the third defendant. The schedule of the property mentioned therein was Polepally Function Hall, Municipal Door

No.4-8-76/1 in Survey No.98/AA, extent 0.50 cents, and Survey No.99/E, extent 0.30 cents, situated at Market Road, Narayanpet Town and District, Telangana State. The learned counsel would further submit that the *de facto* complainant lodged the present complaint as a counter blast taking advantage of the civil dispute with suppression of facts. According to him, the Polepally Function Hall belongs to the petitioners herein, whereas the *de facto* complainant mentioned that he is the owner of the Polepally Function Hall. Hence, the learned counsel prayed for grant of anticipatory bail to the petitioners herein.

5. On the other hand, the learned Additional Public Prosecutor would contend that the petitioners have attacked the *de facto* complainant with sticks and in the said attack, the *de facto* complainant and his mother received grievous injuries. On receiving the medical report, Section 326 I.P.C was also added. As per the wound certificate, the *de facto* complainant received grievous injuries. He would further submit that as per the complaint, on enquiry, the petitioners are having criminal history. Therefore, there is every possibility of interference with the investigation and influence of witnesses.

6. The above said facts reveal that accused No.1 has filed O.S.No.149 of 2019 and the learned Junior Civil Judge at Narayanpet granted an order of *status quo* on 29.11.2019 in respect of the schedule property, Polepally Function Hall. In the complaint, the *de facto* complainant stated that the said Function Hall belongs to him and the accused entered into the said Function Hall and attacked them. In the complaint, there is a specific

allegation that the petitioners are having criminal history. The wound certificate produced by the learned Additional Public Prosecutor would show that the *de facto* complainant has received grievous injuries. Therefore, they have also included Section 326 I.P.C.

7. In view of the above said seriousness ^{of the} ~~and~~ allegations and also considering the injuries received by the *de facto* complainant, which are grievous in nature as per the wound certificate, this Court is not inclined to grant anticipatory bail to the petitioners herein.

8. As the petitioners herein failed to make out any case for grant of anticipatory bail, this Criminal Petition is dismissed.

The miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

SD/- K. PRABHAKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER /2020

To,

1. The Judicial First Class Magistrate, Narayanpet, Mahabubnagar District
2. The Station House Officer, Narayanpet Police Station, Mahabubnagar District
3. Two CC to Public Prosecutor, High Court, Hyderabad(OUT)
4. One CC to Sri Rajagopallavan Tayi, Advocate (OPUC)
5. One spare copy

HIGH COURT

KLJ

DATED: 20/03/2020

ORDER

CRLP.No.1747 of 2020

BAIL

