IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE ELEVENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY

:PRESENT:
THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 6013 OF 2020

Between:

Boini Lavan Kumar @ Lavan, S/o. Kishan.

Petitioner/Accused

AND

1. The State of Telangana, through S.H.O., P.S. Gangadhara, Karimnagar District, represented by Public Prosecutor, High Court at Hyderabad.
2. Koppula Venkati, S/o. Ankaiah, Age 53 Years, Occ. Cooli, R/o. Madhura Nagar, Gangadhara, Proper and Mandal, Karimnagar District.

Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C. praying that in the circumstances stated in the Criminal Petition, the High Court may be pleased to enlarge the petitioner/Accused, arrested in Crime No. 161 of 2020, of P.S. Gangadhara, Karimnagar District, on such terms and conditions as this Honble court may deem fit and proper in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri K VENUMADHAV, Advocate for the Petitioner, PUBLIC PROSECUTOR (TG) for the Respondent NO.1, the Court made the following.

ORDER:

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.6013 OF 2020

ORDER:

This is an application for regular bail. The petitioner herein is the sole accused in Crime No.161 of 2020 of P.S.Gangadhara, Karimnagar District. The offences alleged against the petitioner are under Sections 341, 506 and 306 IPC and under Sections 3(i) (1) (zb) of Scheduled Castes and Scheduled Tribes, Prevention of Atrocities Act.

2. Heard Sri K.Venumadhav, learned counsel for the petitioner and learned Public Prosecutor.

3. The allegation against the petitioner herein is that on 07.09.2020, the petitioner has restrained the deceased Koppula Sai Kumar to join into his gang with an intention to cause physical harm or mental agony to him who belongs to schedule caste. It is further alleged that when the deceased refused to join, the accused threatened him with dire consequences to kill. The deceased vexed on his life committed suicide by jumping into the agricultural well.

4. According to the learned counsel for the petitioner, the Police have arrested the petitioner on 10.09.2020 on execution of PT warrant. The Investigating Officer has recorded the statements of 6 witnesses including the material witnesses.

5. Learned Public Prosecutor on instructions would submit that the petitioner herein is involved in 24 cases and P.D.Act proceedings were also initiated against him. The details of the aid cases are specifically mentioned in the instructions dated 18.09.2020.

6. Learned counsel for the petitioner would submit that petitioner herein was enlarged on bail in all the above said crimes and in some of the crimes, the petitioner got acquitted.

7. Learned counsel for the 2nd respondent/*de facto* complaint would submit that petitioner herein has committed serious offences and there are serious allegations against him and the petitioner herein is a habitual offender. Therefore, considering the same, the present application may be dismissed.

8. As stated above, Investigating Officer has completed investigation almost by recording the statement of 6 witnesses including the material witnesses. The Hon'ble Apex Court held that the bail application filed by the accused cannot be rejected on the ground that he has involved in several cases in which he was already granted bail. In a bail application, the Court has to consider the ~~individual~~ right of the accused enshrined under Article 21 of Constitution of India. Admittedly, the petitioner is in jail from 10.09.2020.

(i) The petitioner shall execute personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the First Additional Judicial First Class Magistrate at Vemulavada.

(ii) The petitioner shall appear before the Station House Officer, P.S.Gangadhara, Karimnagar District, everyday between 10.00 AM and 5.00 PM, till completion of investigation and filing of charge sheet.

(iii) The petitioner shall cooperate with the Investigating Officer.

11. Liberty is granted to the learned Public Prosecutor to file an application for cancellation of bail in the event of petitioner violating any of the above said conditions and involving in any other case.

Miscellaneous petitions pending, if any, shall stand disposed of.

Sd/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The V Addl. Sessions Judge, Karimnagar.
2. The First Addl. Judicial First Class Magistrate at Vemulawada.
3. The Superintendent, District Jail, Karimnagar.
4. The Station House Officer, P.S. Gangadhara, Karimnagar District
5. One CC to SRI K VENUMADHAV, Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR (TG), High Court at Hyderabad. (OUT)
7. One spare copy

mvj

HIGH COURT

KL,J



DATED:11/12/2020

ORDER

CRLP.No.6013 of 2020

BAIL