

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

TUESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

:PRESENT:
THE HON'BLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION NO: 6767 OF 2020

Between:

1. Uyyala Rajashekar, S/o Gangaiah,
2. Uyyala Manoj, S/o Gangaiah,
3. Mandal Ganesh, S/o Thriupathi
4. Uyyala Parshuram, S/o Gangaiah,

...Petitioners/Accused Nos.1,2,5 & 6

AND

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

...Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to release the Petitioners/Accused Nos.1, 2, 5 and 6 on bail in Crime No.160 of 2020 on the file of Pegadapalli Police Station, Jagtial District.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MR.PAPALAH PEDDAKULA Advocate for the Petitioners and ADDL.PUBLIC PROSECUTOR (TG) for the Respondent, the Court made the following.

ORDER

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION No.6767 of 2020

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Cr.P.C. seeking for grant of regular bail to the petitioners, who are arrayed as Accused Nos.1, 2, 5 & 6 (A.1, A.2, A.5 & A.6) in Crime No.160 of 2020 of Pegadapalli Police Station, Jagtial District, registered for the offences punishable under Sections 324, 323, 290, 506 read with Section 149 IPC and Section 3 (1)(r)(s) and Section 3 (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'SCs & STs (POA) Act') as amended from time to time.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the respondent - State and perused the material placed on record. Since, provisions of Section 3 of SCs & STs (POA) Act, 1989, are invoked against the petitioners, the learned counsel for the petitioners was directed to take out personal notice on the *de facto* complainant. It is submitted by the learned counsel that the notice as taken to respondent / *defacto* complainant was served and he has filed the proof of service into this court along with a memo. The same is available on record. Despite service of notice on Respondent / *defacto* complainant, there is no representation either in person or through counsel.

3. With the consent of the learned counsel appearing for the parties, the criminal petition is taken up for hearing through Video Conferencing in the virtual Court today, i.e. 29.12.2020.

4. The learned counsel for the petitioners would submit that there were certain disturbances that have been taken place

between two groups in the village during the Dasara festival celebrations on 25.10.2020. As a result of the same, the other members of the group have lodged the present complaint against the petitioners and others, upon which, the respondent authority has registered the present crime. The learned counsel would further submit that the petitioners were not involved in any offence previously. The learned counsel would also submit that the petitioners 1, 2 & 3/A.1, A.2 & A.5 were in judicial custody since 27.10.2020, while the petitioner No.4/A.6 is in judicial custody since 31.10.2020. The learned counsel would further submit that the petitioners would abide by any conditions as may be imposed by this Court for being enlarged on regular bail.

6. On the other hand, the learned Additional Public Prosecutor would submit that since all the petitioners attacked the members of *de facto* complainant's family when they were playing dandiya during the Dasara festival celebrations, the present complaint has been lodged and the respondent authority in the process of investigation had arrested the petitioners and produced them before the concerned Magistrate, and were remanded to judicial custody. The learned Additional Public Prosecutor would further submit that the investigation into the matter is in progress. However, the learned Additional Public Prosecutor would further submit that if this Court is to consider for enlargement of the petitioners by granting regular bail, they may be put on terms, in order to maintain peace and tranquility and without causing any law and order problem in the village.

7. Having regard to the submissions made as above and considering the fact that the petitioners are in judicial custody

since 27.10.2020 and 31.10.2020 respectively, this Court is inclined to grant regular bail to the petitioners subject to the following conditions:

i) The petitioners - A.1, A.2, A.5 & A.6 shall execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties each for a like sum each to the satisfaction of the II Additional Judicial First Class Magistrate, Jagtial. Upon the petitioners executing personal bonds with two sureties as noted above, the petitioners shall be released from the prison where they are presently lodged i.e., at Sub-Jail, Jagtial.

ii) The petitioners shall appear before the Station House Officer, Pegadapalli Police Station, Jagtial, on every Sunday between 10:00 a.m. to 5:00 p.m. till completion of investigation into the crime.

iii) The petitioners shall not try to contact the *de facto* complainant and other members of the group or either try to influence or intimidate the witnesses while on bail.

iv) If the petitioners fail to comply with any of the conditions stipulated herein, liberty granted to them shall automatically stand cancelled and the investigating agency shall act in accordance with law.

8. Subject to the above, the Criminal Petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

//TRUE COPY//

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Special Sessions Judge for Trial of Cases Under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-V Additional Sessions Judge, Karimnagar.
2. The II Additional Judicial First Class Magistrate, Jagtial.
3. The Superintendent, Sub-Jail, Jagtial.
4. The Station House Officer, Pegadapalli Police Station, Jagtial.
5. One CC to SRI.PAPALAH PEDDAKULA Advocate [OPUC]
6. Two CCs to the PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
7. One spare copy

HIGH COURT

TVK,J

DATED; 29.12.2020

CRL.P.NO.6767 OF 2020

BAIL

