

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY ,THE THIRTIETH DAY OF JANUARY TWO THOUSAND AND TWENTY

**:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI**

CRIMINAL PETITION NO: 8622 OF 2019

Between:

1. Kasarla Rakesh@Upender, S/o. Chandraiah
2. Nakirekanti Naveen, S/o. Yakalah
3. Perla Mallaiah, S/o. Lingalah

...Petitioners/Accused No. 2,6 and 19

AND

1. The State of Telangana, Rep. by its public prosecutor, High Court for the State of Telangana At Hyderabad
2. Mangalapalli Nagaraju, S/o Ramulu, aged 30 years, R/o Kothagudem Village, Thungaturthu Mandal, Nalgonda District.
(As per the court order dated 22/01/2020 in I.A No. 1 of 2020, R2 is impleaded in CrI.P. No. 8622/19)

...Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to release the Petitioner/ A-2, A-6 and A-19 on bail pending investigation, enquiry and trial in to in Crime No. 147 of 2019 of Thungaturthy Police Station, Suryapet District in the Interest of justice

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI D Y N L N CHARYULU Advocate for the Petitioners, and of PUBLIC PROSECUTOR (TG) for the Respondent No.1, the Court made the following.

ORDER:

CRIMINAL PETITION No.8622 of 2019

ORDER:

The petitioners, who are A.2, A.6 and A.19, have filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.147 of 2019 of Thungathurthy Police Station, Suryapet, Nalgonda District, registered for the offences punishable under Sections 147, 148, 307, 448, 427, 504, 506 r/w. Section 149 of IPC and Section 3(2)(v) of SCs and STs (POA) Act, 1989 and Section 3(1)(r)(s) and 3(2)(Va) of SCs and STs (POA) Amendment Act, 2015.

The case of the prosecution is that, on 11.12.2019 respondent No.2 - complainant has lodged a complaint before the SHO, Thungathurthy Police Station, Suryapet, Nalgonda District, stating that the petitioners herein along with other accused hatched a plan to kill him and came to his house on 10.12.2019, abused him in the name of caste and assaulted him indiscriminately with sticks and iron rods, resulting in severe injuries, and also spread chilli powder in the eyes of his wife and other family members and on seeing the Police party, who came there at that point of time, they escaped from the scene of offence. It is also stated that the accused persons have committed the said offence at the instance of the villagers and the local MLA and hence requested to take

necessary action. Basing on the said complaint, the police registered the above Crime No.147 of 2019 for the aforesaid offences against A.1 to A.25.

Heard learned counsel for the petitioners/A.2, A.6 and A.19 and the learned Additional Public Prosecutor appearing for respondent No.1 - State. Though notice is served on respondent No.2 - complainant, none appears on his behalf. Perused the material on record.

Learned counsel for the petitioners contends that the petitioners are innocent of the alleged offences and they have been falsely implicated in the above crime and there is no iota of truth in the allegations levelled against them. It is also contended that the above crime was registered only to harass the petitioners due to political vengeance and the present crime is the second crime registered against the petitioners and earlier also Crime No.121 of 2019 of the very same Police Station was registered against petitioner Nos.1 and 2 and others for the very same sections of law, against which in Crl.P.No.6476 of 2019 filed by the accused therein, this Court directed the police not to take any coercive steps against the petitioners therein vide order dt.16.10.2019. It is also contended that the present crime is registered against the petitioners and other accused as a counter blast to Crime No.123 of 2019 of Thungathurthy Police Station, filed by the petitioners and others against the complainant and others. It is further contended that the petitioners are ready to abide by

any conditions imposed by this Court, including assisting the investigating agency in the event of their release on bail in the above crime and that the petitioners are in judicial custody since 17.12.2019.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the bail application filed by the petitioners and contends that the petitioners are not entitled for grant of bail.

In view of the above facts and circumstances of the case, without adverting to the merits of the case, since the petitioners are in judicial custody from 17.12.2019 onwards, I am inclined to grant bail to the petitioners/A.2, A.6 and A.19 on certain terms and conditions.

Accordingly, this Criminal Petition is allowed and the petitioners/A.2, A.6 and A.19 shall be released on bail on the following terms and conditions:

- (i) on the petitioners/A.2, A.6 and A.19 executing separate personal bonds for Rs.15,000/- (Rupees fifteen thousand only) each with two local sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Thungathurthy, Suryapet, Nalgonda District;
- (ii) that the petitioners/A.2, A.6 and A.19 shall not indulge in any similar type of activities, in future;
- (iii) that the petitioners/A.2, A.6 and A.19 shall not tamper with the evidence of prosecution witnesses;

- (iv) that the petitioners/A.2, A.6 and A.19 shall cooperate with the investigation agency and shall report before the Police Station concerned on every Saturday between 10.00 a.m. and 5.00 p.m. till completion of investigation and filing of charge sheet, whichever is earlier.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Sd/- CH.VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Thungathurthy, Suryapet, Nalgonda District.
2. The Superintendent, Sub-Jail, Suryapet, Nalgonda District
3. One CC to SRI. D Y N L N CHARYULU Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR (TG), High Court at Hyderabad [OUT]
5. One spare copy

NOTE: In the cause title the 2nd petitioner name 'Nakirekanti Ravi S/o. Yakalah' is corrected as 'Nakirekanti Naveen S/o. Yakalah, as per order of the Court dated 7.2.2020 made in IA. No. 2 of 2020. Substitute this amended order in place of previous order which was already despatched on 30-01-2020.

SD/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

HIGH COURT

GSDJ

DATED:30/01/2020
07-02-2020

AMENDED ORDER

CRLP.No.8622 of 2019

BAIL

