

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

THURSDAY, THE THIRTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION NO: 3615 OF 2021

Between:

1. Midathapally Yellaiah S/o. Lachaiah,
2. Midathapally Venkanna, S/o. Lachaiah,
3. Midathapally Yakaiah, S/o. Venkanna,
4. Shaganti Navin, S/o. Shaganti Narasaiah,
5. Midathapally Madhu, S/o. Venkanna,
6. Midathapally Mahendar, S/o. Veeranna,
7. Thulla Gangaraju, S/o. Venkanna,
8. Midathapally Veeranna, S/o. Lachaiah,
9. Mettu Sreenu, S/o. Ramaswamy,
10. Midathapally Babu, S/o. Lachaiah,
11. Midathapally Yellamma, W/o. Venkanna
12. Midathapally Uma, W/o. Yellaiah D/o. Ramaswamy,
13. Mettu Malchur @ Maluchuramma W/o. Miraswamy, D/o. Midathapally Lachaiah

Petitioners/Accused No. 1 to 13

AND

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

Respondent/Complainant

2. Midithapally Suguna, W/o. Saidulu, R/o. Bavoji Gudem, Maripeda Mandal,
Mahaboobabad District

Respondent/De facto Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to enlarge the petitioners/Accused Nos. 1 to 13 on anticipatory bail in the event of their arrest in connection with Crime vide FIR No. 35 of 2021 dated 14-02-2021 on the file of Maripeda Police Station during the pendency of inquiry and trial;

The petition coming on for hearing, upon perusing the Petition and the grounds filed therein, and upon hearing the arguments of Sri Bhanu Murthy Bala, Advocate for the Petitioner, and of the Addl. Public Prosecutor, for the Respondent No.1, the Court made the following.

HON'BLE JUSTICE G. SRI DEVI

Crl.P.No.3615 of 2021

ORDER :

This Criminal Petition is filed by the petitioners-accused No.s 1 to 13 under Section 438 of the Criminal Procedure Code, 1973, seeking grant of anticipatory bail in the event of their arrest in FIR.No.35 of 2021 on the file of Maripeda Police Station, registered for the offences punishable under Sections 324 r/w 149 IPC.

2. Heard the learned counsel for the petitioners-accused No.1 to 13 and the learned Additional Public Prosecutor representing the State, and perused the record.

3. The Case of the prosecution is that on 13.02.2021 at about 6.30 p.m., due to old disputes, petitioners armed with sticks, axes and chilli powder, attacked the complainant's husband and her brother-in-law and also family members and caused head injury to the husband of the defacto complainant and also injuries to other family members.

4. Learned counsel for the petitioners contended that the husband of the defacto complainant and his family members and relatives formed into an unlawful assembly and armed with sticks, iron rods and chilli power all together attacked petitioner No.2/A2 and caused bleeding injuries and when the other petitioners tried to rescue him, the husband of the defacto complainant and his relatives attacked the

petitioners and caused bleeding injuries. He further submits that the petitioners tried to defend the injured victim from the hands of the husband of the defacto complainant and while doing so, the petitioners also suffered bleeding injuries.

5. Learned Additional Public Prosecutor vehemently opposed granting of anticipatory bail to the petitioners.

6. Looking into the nature of allegations leveled against the petitioner and having regard to the other facts and circumstances of the case, without delving into the merits of the case, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Petition is allowed and the petitioners are granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioners/accused No.1 to 13 are directed to surrender before the Station House Officer, Maripeda Police Station, within a period of four (04) weeks from the date of this order and on such surrender, the said Station House Officer shall release him on bail on dtheir executing a personal bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each to the like sum, to the satisfaction of the aforesaid Station House Officer.
- (ii) The petitioners shall personally appear before the above Station House Officer, on every first and third Saturdays between 12.00 Noon and 5.00 P.M., from July, 2021 onwards, till completion of the investigation.
- (iii) The petitioners shall surrender their passport, before the concerned Court at the time of execution of bonds and they

he shall not leave the territory of India without prior permission of the Court. If the petitioners have no passport or have already submitted the same in any case, they shall file an affidavit to that effect.

- (iv) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Investigating Authority.
- (v) The petitioners shall not act in any manner which will be prejudicial to fair and expeditious investigation.
- (vi) The petitioners shall not misuse the liberty granted to him, failing which the Court concerned shall take appropriate action in accordance with law in the light of the judgment of the Apex Court in ***Sushila Aggarwal and others v. State (NCT of Delhi) and others*¹**.
- (vii) The petitioners shall also comply with the other conditions as laid down under Section 438 (2) of Cr.P.C.

8. Miscellaneous petitions pending if any shall stand closed.

//TRUE COPY//

SD/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Thorur, Warangal District.
2. The Station House Officer, Maripeda Police Station, Mahaboobabad District.
3. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
4. One CC to Sri Bhanu Murthy Bala, Advocate (OPUC)
5. one Spare Copy

HIGH COURT

GSD,J

DATE: 13-5-2021

ORDER

CRL.P. NO. 3615 OF 2021

PETITION ALLOWED

