

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE SIXTEENTH DAY OF JULY TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 5248 OF 2021

Between:

1. Balu Singh, S/o. Vikram,
2. Rama Singh @ Silelan Rama Kanth, S/o. Jhani,
3. B.Vijay, S/o. Sirichand.,

Petitioners/A5, A7 & A8

AND

The State of Telangana, Rep., by its Public Prosecutor, High Court of T.S.,

Respondent/Complainant

Petition under Section 438 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 direct the S.H.O. P.S. Kaghaznaga Town, or any arresting officer to release the petitioners/Accused No.5, A7 and A8 on bail in the event of their arrest in Crime No.221 of 2019 of P. S Kaghaznaga Town, pending enquiry investigation and trial in the above case 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 DOKKA MOHAN RAO Advocate for the Petitioners and ASSISTANT PUBLIC PROSECUTOR for the Respondent, the Court made the following

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5248 of 2021

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A5, A7 and A8 seeking to grant anticipatory bail in the event of their arrest in connection with Crime No.221 of 2019 on the file of Kaghaznagar Town Police Station, Asifabad District, registered for the offences under Sections 143, 148, 307 read with Section 149 IPC.

2. Heard learned counsel appearing for the petitioners, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The prosecution case is that on 08.10.2019 at about 9.00 hours, due to previous disputes, all the accused have attacked the father of de-facto complainant and beat him with sticks causing bleeding injuries to him.

4. Learned counsel for the petitioners would submit that the allegations leveled against the petitioners are all false and baseless and they have been falsely implicated in the present crime. He would further submit that even as per the complaint, the petitioners have not committed any offence as alleged by the prosecution. He also submits that the petitioners are not having any criminal antecedents prior to the alleged occurrence and they are law abiding citizens and ready to abide by any condition that may be imposed in the event of their enlargement on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioners.

6. A perusal of the complaint and the remand case diary, it is specifically mentioned that on 08.10.2019, A1 to A3 and A6 along with others have formed themselves into an unlawful assembly with common object to eliminate the father of the de-facto complainant and assaulted him, as a result the injured received multiple injuries all over his body. Admittedly, the names of present petitioners are not mentioned in the FIR and no role whatsoever has been attributed against them. Thus, looking into the nature of allegations leveled against the petitioners, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioners/A5, A7 and A8.

7. Accordingly, the Criminal Petition is allowed and the petitioners/A5, A7 and A8 are granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioners/A5, A7 and A8 are directed to surrender before the Station House Officer, Kaghaznagar Town Police Station, Asifabad District, within a period of 15 days from today, and on such surrender, the said Station House Officer shall release them on bail on their executing personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each to the like amount to the satisfaction.
- (ii) The petitioners/A5, A7 and A8 shall personally appear before the Investigating Officer on 3rd Sunday of every month between 10.00 AM and 5.00 P.M., till

completion of the investigation or filing of the charge sheet, whichever is earlier.

- (iii) The petitioners/A5, A7 and A8 shall comply with the conditions as laid down under Section 438 (2) of Cr.P.C.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Sirpur (T).
2. The Station House Officer, Kaghaznagar Town Police Station, Asifabad District.
3. One CC to SRI. DOKKA MOHAN RAO Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, Hyderabad (OUT)
5. One spare copy

HIGH COURT

GSDJ

DATED: 16.07.2021

ORDER

CRLP. NO: 5248 of 2021



CRIMINAL PETITION IS ALLOWED