

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9810 of 2021

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.2 seeking bail in the event of his arrest in connection with Crime No.471 of 2021 on the file of Pahadisharief Police Station, Rachakonda District, registered for the offences punishable under Sections 452, 384, 506 read with 34 IPC and under Section 25(1)(1A) of Arms Act.

2. The case of prosecution is that on 03.11.2021 at about 02.00 hours, all the accused along with 25 others came to the property of the complainant at Wadi-E-Mustafa, Jalpally Village with Talwards, knives and hockey sticks and damaged his property, electric meter and cameras, and also forced his tenant Shokat Ali to vacate property by throwing his household articles and they have forcibly taken an amount of Rs.15,000/-, two tulas of gold chain, earrings and hand rings.

3. Learned counsel for petitioner Sri A. Nehru Nayak, submits that absolutely there are no allegations against the petitioner/A2 and all the allegations are against A1. He submits that A-1 was already granted bail, and while granting bail, the Court below has observed that as no arms were recovered from the possession of A1, the offence under Section 25(1-A) of Arms Act, is not attracted and further, there is a civil case pending between the parties, and taking into consideration the civil dispute, the Court below has granted bail to A1. Learned counsel submits that even in the complaint, there are no specific overt acts against the petitioner and hence, his case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the investigation is pending and at this stage, the petitioner is not entitled for pre-arrest bail.

5. Taking into consideration the fact that A1 has already granted bail by the Court below, this Court deems it appropriate to grant pre-arrest bail to petitioner/A2.

6. The Criminal Petition is allowed. Petitioner – Accused No. 2 shall surrender before the Station House Officer, Pahadisharief Police Station, Rachakonda District, in connection with Crime No.471 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. It is made clear that no further extension of time will be granted.

LALITHA KANNEGANTI, J

29th December 2021

sj