

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 3443 of 2022

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. by petitioners/accused Nos.25, 26 and 29 seeking bail in the event of their arrest in connection with Crime No.58/2018 on the file of Bheemgal Police Station, Nizamabad District, registered for the offences punishable under Sections 302, 307 and 342 read with 34 of IPC and Section 3(2) (v) & (va) of the Scheduled Castes and Scheduled Tribes (POA) Amendment Act, 2015.

2. The case of the petitioners is that some of the villagers, suspecting that LW-1 and his brother-in-law were thieves, brought them to the Gram Panchayat Office and assaulted them. In that process, his brother-in-law died. The petitioners are no way responsible for the alleged offences. This case is registered on hearsay. There are no direct witnesses to the alleged offences and ultimately prayed to allow the petition.

3. Heard learned counsel for petitioners and learned Assistant Public Prosecutor representing the State.

4. Learned Counsel for petitioners submits that this Court in the very same Crime i.e. 58/2018 granted Anticipatory Bail to

Accused Nos.7, 9 to 11, 13 to 15, 18 19 and 20 by holding as follows;

“As per the material placed on record, LW1-Degavath Lalu and the deceased-Malavath Devya were brought to the Gram Panchayat Office situated at Chengal Village and were assaulted by the villagers. Due to the injuries suffered, Malavath Devya succumbed to the injuries and Degavath Lalu survived. It is submitted that pursuant to the confession made by some of the accused, the petitioners are roped into this case. In the FIR lodged with the police, it is mentioned that on the statement made by LW1-Degavath Lalu, the FIR was issued. In the instant case, the persons responsible for the offences are required to be established yet. It is brought to the notice of this Court that some of the accused i.e., A1 to A6 were arrested and remanded to judicial custody and later, they were enlarged on bail. Whether the petitioners/accused have any intention to cause the death of Malavath Devya or not is a question. The whole incident occurred suspecting the Malavath Devya and Degavatgh Lalu were thieves and came to Chengal Village to lift the children. Having regard to the nature of the allegations leveled against the petitioners and the material collected so far, the petitioners/ 7, 9 to 11, 13 to 15, 18, 19 and 20 can be granted bail under Section 438 of Cr.P.C on some conditions.”

Learned Counsel for petitioners submits that the present petitioners/ A25, 26 and 29 also stand on the same footing.

5. In the said circumstances, the petitioners/A25, 26 and 29 can be granted anticipatory bail on the following conditions.

- 1) The petitioners/ A25, 26 and 29 are directed to surrender before the Station House Officer, Bheemgal

Police Station, Nizamabad District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/ A25, 26 and 29 on bail, on each of them executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his satisfaction. On such release, the petitioners/ A25, 26 and 29 shall report before the said Station House Officer on every Wednesday and Sunday between 09.00 a.m. and 11.00 a.m., till filing of the charge sheet.

- 2) The petitioners/ A25, 26 and 29 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Accordingly, the criminal petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER,J

Date :22.04.2022
tk

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 3443 of 2022
Dt.22.04.2022

tk