

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.3806 of 2022

ORDER:

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973, seeking bail to the petitioners-A-1 to A-5 in the event of their arrest in connection with Crime No.37 of 2022 on the file of Narnoor Police Station, Adilabad District, registered for the offences punishable under Sections 366 read with 34 IPC and under Section 3(2)(va) of SCs & STs (POA) Act.

2. The case of prosecution is that the de-facto complainant has lodged a complaint stating that A1 has followed her daughter, by name, Rajeshwari, saying that he will marry her and after knowing the same, the de-facto complainant has admonished A1 so many times, but A1 did not change his attitude and that on 26-03-2022 at 0900 hours, A1 has kidnapped the daughter of de-facto complainant from Nagalkonda village with deceitful words to marry her and on 01-04-2022, his daughter returned to his house and informed the same.

3. Learned counsel for petitioners Mr. S. Surender Reddy submits that since petitioner No.1/A1 was arrested and remanded to judicial custody, the present criminal petition has become infructuous against him. Insofar as petitioner Nos.2 to 5/A2 to A5 is concerned, he submits that even as per the allegations in the complaint, there are no specific overt acts attributed against A2 to A5, who are parents, brother and sister of A1

respectively. He further submits that the entire investigation is completed, except filing of the charge sheet, and as A2 to A5 are unconnected with any of the offences as alleged, their case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioners. He submits that there are specific allegations against A2 to A5 that they have supported A1 in kidnapping the victim girl and hence, they are not entitled for pre-arrest bail.

5. Learned counsel for respondent No.2 Mr. Gajanand Chakravarthy submits that there are specific allegations against A2 to A5 as they have assisted A1 in kidnapping the daughter of the de-facto complainant and as such, they are not entitled for pre-arrest bail.

6. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor, learned counsel for respondent No.2 and perused the material on record. As seen from the complaint, there are no specific allegations against petitioner Nos.2 to 5/A2 to A5 and therefore, this Court is inclined to grant pre-arrest bail to petitioner Nos.2 to 5/A2 to A5. As it is represented that A1 was already arrested and remanded to judicial custody, the Criminal Petition is dismissed as infructuous against petitioner No.1/A1.

7. Accordingly, the Criminal Petition is partly allowed. Petitioner Nos.2 to 5/A2 to A5 shall surrender before the Station House Officer, Narnoor Police Station, Adilabad District, in connection with Crime No.37 of 2022, within ten days 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. On such release, petitioner Nos.2 to 5/A2 to A5 shall abide by the conditions stipulated under Section 438(2) Cr.P.C and co-operate with the investigating officer in investigating the case. It is made clear that no further extension of time will be granted.

JUVVADI SRIDEVI, J

19th May, 2022.

sj