

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4360 OF 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioners – Accused Nos. 3 and 4 seeking bail in the event of their arrest in connection with Crime No.126 of 2022 on the file of Raikal Police Station, Jagtial District, registered for the offence punishable under Section 120-B read with 115 IPC.

2. The brief facts of the prosecution case are that on 27.04.2022 at about 0800 hours one Rudraveni Srinivas stated to the defacto complainant that some persons have hatched a plan to kill the defacto complainant and he got the defacto complainant to listen to an audio recording. It is further stated in the complaint that the defacto complainant heard in the audio recording that the accused persons and his followers earlier tried to kill him on payment of Rs.15,00,000/- as supari but that was not done. Earlier the accused persons also gave Rs.40,000/- to one Bandi Srinu. Thus, Accused Nos.1 to 4 have committed criminal conspiracy and hatched a plan to kill the defacto complainant and incited to commit a crime.

3. Sri.Madas Bharath Chandra, learned counsel for the petitioners, submits that the present complaint is registered due to political vendetta, the wife of Accused No.3 contested for the post of Sarpanch against the defacto complainant's wife, in which the wife of Accused No.3 lost and due to the political differences, the present crime is registered. Further, the offence under Section 120-B IPC is also not made out against the petitioners. There is no evidence with the prosecution to attract the provisions of Section 115 of IPC also. He further submits that only on the basis of some conversation between few people, without the involvement of the petitioners, a false case is foisted against them. Hence, the case of the petitioners may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor opposed the anticipatory bail application. He submits that Accused No.1 and 2 were already arrested and remanded to judicial custody. He further submits that so far four witnesses were examined, hence, at this stage, the petitioners are not entitled for grant of pre-arrest bail.

5. Heard learned counsel for the petitioners as well as learned Assistant Public Prosecutor and perused the material on record.

6. As seen from the complaint, there are no specific allegations regarding the petitioners' involvement in the voice record. In view of the

facts and circumstances of the case, this Court deems it appropriate to grant pre-arrest bail to the petitioners.

7. Accordingly, the Criminal Petition is allowed with the following conditions:

- i) Petitioners – Accused Nos.3 and 4 shall surrender before the Station House Officer, Raikal Police Station, Jagtial District, in connection with Crime No.126 of 2022 within ten days from today and on such surrender and executing personal bonds for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be enlarged on bail. It is made clear that no further extension of time will be granted.
- ii) The petitioners shall not interfere with the investigation, intimidate or induce the material witnesses and shall cooperate with the investigating agency.
- iv) The petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUVVADI SRIDEVI, J

Date: 19.05.2022

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