

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5234 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioners who are arrayed as Accused Nos.1 to 3 in the event of their arrest in Crime No.181 of 2021 on the file of Station House Officer, Manchal Police Station, Rachakonda, registered for the offences punishable under Sections 447, 323 and 504 read with Section 34 of Indian Penal Code and Section 3(1)(r)(s), 3(2) (Va) SC/ST POA Act, 2015.

2. Heard learned counsel for petitioners/Accused Nos.1 to 3 and learned Assistant Public Prosecutor for respondent-State. Perused the record. Notice is served on the 1st respondent/*de facto* complainant and Sri.M.Prudviraj, learned counsel appearing on behalf of the *de facto* complainant.

3. Learned counsel for the petitioners submits that the complaint was filed in view of civil disputes in between the parties and a civil suit is also pending vide O.S.No.140 of 2019. Deliberately to settle the civil disputes the present complaint is falsely filed against the petitioners 1 to 3. Learned counsel for the petitioners filed the

boarding passes of travel by Accused No.2 on 06.08.2021 and return on 09.08.2021.

4. Learned counsel appearing for the *de facto* complainant submits that even assuming that second petitioner was not present, the case is made out against the other two accused and they are not entitled for the relief of anticipatory bail.

5. As seen from the record, the 2nd petitioner was at Goa on 07.08.2021, as such, it is apparent that a false complaint is filed against the 2nd petitioner. For the said reason of false implication, there arising a doubt regarding the alleged incident taking place at this juncture. However, the same is subject to the outcome of the investigation. The crime is registered on 07.08.2021 and till date the charge sheet is not filed, and as such the petitioners can be granted the relief of anticipatory bail and they shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.1 to 3 are directed to surrender before the Station House Officer, Manchal Police Station, Rachakonda, within one week from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for

a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.1 to 3 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of six (06) weeks and shall appear before the investigating authorities as and when required for the purpose of investigation.

iii) The petitioners/Accused Nos.1 to 3 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

6. Accordingly, the criminal petition is allowed. Since the case is of the year 2021, the police are directed to complete the investigation and file final report.

As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 06.07.2022
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