

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NOS.6039 AND 6047 OF 2022****COMMON ORDER:****Crl.P.No.6039 of 2022**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners who are arrayed as Accused Nos.3 and 5 in Crime No.126 of 2022 on the file of Station House Officer, Husnabad Police Station, Siddipet District registered for the offences punishable under Sections 143, 147, 148, 332, 333, 324, 326, 341, 353 and 294(b) read with Section 149 of Indian Penal Code.

Crl.P.No.6047 of 2022

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 and 6 to 17 in the event of their arrest in Crime No.126 of 2022 Station House Officer, Husnabad Police Station, Siddipet District registered for the offences punishable under Sections 143, 147, 148, 332, 333, 324, 326, 341, 353 and 294(b) read with Section 149 of Indian Penal Code.

2. As the crime number in both the criminal petitions is one and the same and the petitioners are Accused Nos.1, 3, 5 and 6 to 17 in Crime No.126 of 2022, both the criminal petitions are heard together and disposed off by way of this common order.

3. The case of the prosecution is that the Assistant Commissioner of Police of Husnabad filed a complaint stating that he received information regarding some persons of Gudatipally village along with their supporters were conducting Dharna near MLA camp office at Husnabad on National Highway No.765 DG (Medak-Elkaturthy) without seeking any permission from the concerned police station. The said Assistant Commissioner of Police along with other police personnel went to the spot to control them. However, the petitioners and others obstructed and pushed the police personnel having formed into an unlawful assembly. Further the mob also used sticks, stones, plastic pipes, beer bottles and iron rods and in the said process obstructed the police personnel from discharging their official duties. It is also mentioned in the complaint that ACP received injuries on his head and face.

4. Learned counsel for the petitioners in both the cases submits that all the accused are villagers and trying to get compensation for the land which was already acquired by the government. Though a promise was made to give adequate compensation on par with the existing market rates, the same was not done and aggrieved by the same they were protesting peacefully. However, these petitioners never intended to cause harm to the police personnel or deter them from discharging their official duties.

5. Learned Assistant Public Prosecutor submits that these kind of Dharnas without permission were undertaken earlier on four occasions and on all the occasions the criminal cases were booked against these petitioners. He further submits that the investigation is not complete, however, statement of Assistant Commissioner of Police under Section 164 of Cr.P.C. was recorded and Test Identification Parade was also done.

6. Learned Assistant Public Prosecutor also informs that the police personnel video recorded the alleged unlawful assembly.

7. As seen from the record, though these petitioners were ascertaining their rights, they are not supposed to indulge in any

unlawful acts. However, the situation according to the complaint went out of control resulting in clashes between the petitioners/villagers and the police personnel.

8. In the said circumstances, these petitioners/Accused Nos.3 and 5 who are arrested can be granted the relief of regular bail and the petitioners/Accused Nos.1 and 6 to 17 who were identified as part of the group can be granted the relief of anticipatory bail.

9. Accordingly, the Criminal Petition No.6039 of 2022 is allowed and the petitioners/Accused Nos.3 and 5 are granted bail subject to the following conditions:

i) The petitioners/Accused Nos.3 and 5 shall execute personal bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each to the satisfaction of Prl.District and Sessions Judge at Siddipet.

ii) The petitioners/Accused Nos.3 and 5 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of two (02) months.

iii) The petitioners/Accused Nos.3 and 5 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

10. The Criminal Petition No.6047 of 2022 is allowed and the petitioners/Accused Nos.1, 6 to 17 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.1, 6 to 17 are directed to surrender before the Station House Officer, Husnabad Police Station, Siddipet District 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.20,000/- (Rupees Twenty Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.1, 6 to 17 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of two (02) months.

iii) In the event of the police seeking the petitioners'/Accused presence for the purpose of Test Identification Parade, the petitioners shall attend such proceedings and assist investigation.

iv) The petitioners/Accused Nos.1, 6 to 17 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

11. All the petitioners/Accused Nos.1, 3, 5, 6 to 17 shall not in any manner indulge in any unlawful activity, failing which the police are at liberty to seek cancellation of bail granted to these petitioners.

12. Miscellaneous applications, pending if any, shall stand closed.

Date: 21.07.2022
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K.SURENDER, J