

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.6090 OF 2022****ORDER:**

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.2 and 4 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.

2. 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.

3. Learned counsel for the petitioners 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.

4. Learned Assistant Public Prosecutor submits that these kind of Dharnas without permission were undertaken earlier on four occasions and on all the occasions, criminal cases were booked against these petitioners. He further submits that the investigation is not completed, however, statement of Assistant Commissioner of Police under Section 164 of

Cr.P.C. was recorded and Test Identification Parade was also done.

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

6. 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.

7. In the said circumstances, the petitioners/Accused Nos.2 and 4 who are arrested can be granted the relief of regular bail.

8. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.2 and 4 are granted bail subject to the following conditions:

- i) The petitioners/Accused Nos.2 and 4 shall execute personal bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties for a

like sum each to the satisfaction of Prl.Judicial First Class Magistrate, Husnabad.

ii) The petitioners/Accused Nos.2 and 4 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, for the purpose of investigation.

iii) The petitioners/Accused Nos.2 & 4 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.

iv) The petitioners/Accused Nos.2 and 4 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

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

Date: 22.07.2022
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.22.07.2022

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