

THE HON'BLE SMT. JUSTICE M.G.PRIYADARSINI
CRIMINAL PETITION No.11329 OF 2022

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail to the petitioners/Accused Nos.3 and 4 in the event of their arrest in connection with Crime No.256 of 2022, pending on the file of Manakondur Police Station, Karimnagar District, registered for the offences punishable under Sections 448, 363, 323, 506 read with Section 34 of Indian Penal Code.

2. Heard learned counsel for the petitioners/Accused Nos.3 and 4 and learned Additional Public Prosecutor representing the respondent-State. Perused the record.

3. Learned counsel for the petitioners submitted that a case has been registered initially under Sections 448, 363, 323, 506 read with Section 34 of Indian Penal Code and later an alteration memo was filed and Sections 342 and 307 of Indian Penal Code, were added. It is further submitted that the wife of the victim initially lodged complaint on 15.11.2022 at 9.30 AM, stating that between

her husband and the persons belong to Mallapur, named Marakonda Balaiah and Marakonda Thirupathi and other unknown persons, with regard to money transactions in real-estate, quarrels were taken place, due to which the said persons have entered into their house, attacked her husband and have taken him along with them. Hence, she has filed the complaint. It is further contended by the learned counsel for the petitioners that there are no specific allegations against the petitioners/Accused Nos.3 and 4 and nothing has been attributed against them, but they were falsely implicated in the present crime with an intention to harass them. He further submitted that based on another F.I.R. in Crime No.154 of 2022, which was registered by the Police, Pothkapally, on the basis of the complaint given by her husband, the Police have registered a case under Section 363 read with Section 34 of I.P.C. and these petitioners' names are shown as Accused. It is further submitted that in the present Crime No.256 of 2022 P.S.Manakondur, while arresting Accused Nos.1 and 2 and after recording Statement of the husband of the *de facto* complainant under Section 161 of Cr.P.C., have

added the Section 342 and 307 of Indian Penal Code. It is further submitted that as per the allegations, there is a dispute between the parties with regard to monetary transactions in real-estate business and there is no such allegation that these petitioners have committed any such offence or having any such intention to kill the husband of the *de facto* complainant. It is further submitted that petitioner No.1/Accused No.3 is a woman and household lady and petitioner No.2/Accused No.4 is a senior citizen and an agriculturist, if they are arrested and detained in prison they shall suffer irreparable loss and injury and requested for anticipatory bail.

4. On the other hand, learned Additional Public Prosecutor vehemently opposed granting of anticipatory bail to the petitioners stating that the petitioners may influence the witnesses and there is every chance of tampering with the evidence.

5. As seen from the contents of First Information Report, the allegations leveled in the complaint does not *prima facie* disclose any specific overt acts against the

petitioners/Accused Nos.3 and 4. However, truth or otherwise will be decided during full-fledged trial. At this stage, looking into the nature of allegations leveled against the petitioners and having regard to the other facts and circumstances of the case and also considering the fact that petitioner No.1/Accused No.3 is a woman and petitioner No.2/Accused No.4 is a senior citizen and, therefore, without delving into the merits of the case, this Court is inclined to grant anticipatory bail to the petitioners/Accused Nos.3 and 4.

6. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.3 and 4 are granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioners/Accused Nos.3 and 4 are directed to surrender before the Station House Officer, Manakondur Police Station, Karimnagar District, within a period of four (4) weeks from the date of this order and on such surrender, the said Station House Officer shall release the petitioners/Accused Nos.3 and 4 on bail, on their executing personal bonds of Rs.25,000/- each with two sureties for a like sum each to

the satisfaction of the aforesaid Station House Officer. Out of two sureties, one surety must be from the native place of the petitioners.

- (ii) The petitioners shall surrender their pass-ports, if any, at the time of execution of personal bonds and shall not leave the territorial jurisdiction of the Police Station concerned, without prior permission of the Court concerned. If the petitioners were not having pass-ports or they have already submitted the same, in any case, they shall file an affidavit to that effect.
- (iii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such fact to the Investigating Authority.
- (iv) The petitioners/Accused Nos.3 and 4 shall not act in any manner which will be prejudicial to fair and expeditious investigation.
- (v) The petitioners/Accused Nos.3 and 4 shall not misuse the liberty granted to them, failing which the Court concerned shall take appropriate action in accordance with law in the light of the judgment of the Hon'ble Apex

Court in ***Sushila Aggarwal and others vs. State (NCT of Delhi) and others***¹.

- (vi) The petitioners/Accused Nos.3 and 4 shall also comply with the other conditions as laid down under Section 438(2) of Cr.P.C.

SMT.M.G.PRIYADARSINI, J

Date: 26.12.2022
svl/gv

¹ 2020 SCC Online SC 98.

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