

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11613 of 2022

ORDER:

Heard Sri Challa Srinivasa Reddy, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court grant of pre-arrest bail, this Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioners, who are arrayed as accused Nos.1 to 12 and 19 in Crime No.236 of 2022 of Chennur Police Station, Mancherla District.

3. Making his submission, learned counsel for the petitioners contends that the petitioners, who are tribals, have not committed any offence whatsoever, much less the offences punishable under Sections 447, 427, 294(b), 353 and 307 IPC. Learned counsel submits that police are trying to arrest the petitioners arbitrarily and therefore, the petitioners are before this Court seeking anticipatory bail. Learned counsel also states that the case does not fall within the ambit of Section 307 IPC at any cost.

4. Per contra, the submission of the learned Additional Public Prosecutor is that the petitioners occupied the forest land, removed the plantation which was done in about 40 hectares and when the forest officials questioned, in order to threaten the forest officials and to grab the land, they have gone to the extent of attempting to kill them. Learned Additional Public Prosecutor also states that besides sticks, two axes were also used for attacking the forest officials and one of the forest officials even sustained injuries.

5. As per the contents of the material available on record, the prime accused are petitioner Nos.1 to 7. As per the submission of the learned Additional Public Prosecutor, the investigation is still pending. Also, there are grave allegations that are directed against petitioner Nos.1 to 7. That apart, the whole case is that to grab the forest land, the petitioners obstructed the duties of the forest officials.

6. Having considered all these aspects, this Court is of the view that petitioner Nos.1 to 7 are not entitled for the relief sought for. However, rest of the petitioners i.e., petitioner Nos.8 to 13 can be granted pre-arrest bail, however conditionally.

7. Resultantly, this Criminal Petition is allowed in part with the following conditions:-

(i) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 are directed to surrender before the Court concerned within ten (10) days. On such surrender, they shall be enlarged on bail on each of them executing a personal bond for Rs.30,000/- (Rupees Thirty thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

(ii) In case, petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 hold passports, they are directed to surrender the same.

(iii) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 should not involve in any unlawful activity.

(iv) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 should afford all assistance for proper investigation of the case.

(v) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 should not cause the evidence of the offence disappear.

(vi) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 should not tamper with the evidence in any manner.

(vii) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 should ensure their presence whenever required by the Court or Police.

(ix) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 shall not leave India without previous permission of the court concerned.

(x) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 shall report before the Station House Officer, Chennur Police Station, Mancherial District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) Petitioner Nos.8 to 13/accused Nos.8 to 12 and 19 shall file separate affidavits before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioners shall intimate the court concerned by giving fresh affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

8. The Criminal Petition so far as petitioner Nos.1 to 7 i.e., accused Nos.1 to 7 stands dismissed.

9. As a sequel, miscellaneous petitions pending, if any, shall stand closed

Dr. JUSTICE CHILLAKUR SUMALATHA

29.12.2022
DR