

THE HONOURABLE SRI JUSTICE Dr. D. NAGARJUN

Criminal Petition No.338 of 2023

ORDER:

This Criminal Petition is filed by the petitioners / Accused Nos.1 to 3 and 5 and 6 under Section 438 of the Code of Criminal Procedure, 1973 (**for short, 'the Act'**) praying this Court to grant them bail who are arrayed as Accused Nos.1 to 3 and 5 and 6 in the event of their arrest in F.I.R.No.535 of 2022, dated 29.12.2022, on the file of Station House Officer, P.S. Mancherial for the offences punishable under Sections 323, 294-B and 109 read with Section 34 of I.P.C.

2. Heard Mr. K. Ajay Kumar, learned counsel for the petitioners; and Mr. T.V.Ramana Rao, learned Additional Public Prosecutor, appearing on behalf of the respondent-State.

3. Perused the record.

4. The contents of complaint filed before the police on 29.12.2022 in Telugu version would go to show that there was a dispute between the *de facto* complainant and the

accused who belong to different political parties; on the day when the incident had occurred, the *de facto* complainant is stated to have been proceeding towards the house of one V. Satyanarayana to hand over C.M. relief fund cheque to his family members; petitioners and others who are aware of the alleged visit of the *de facto* complainant went to the house of the said V. Satyanarayana and hatched a plan and obstructed him; further the petitioners and others quarrelled and abused the *de facto* complainant and further beat him with sticks indiscriminately, causing injuries on his back and shoulders, and the *de facto* complainant has also lost gold chain during the altercation; when the Accused No.2 was remanded to judicial custody, the police, apart from other offences, also added offences under Section 382; as seen from the report, Accused Nos.1 to 5 gathered at the house of Town Congress President who is shown as Accused No.6 and on his instigation all of them went to the *de facto* complainant and obstructed him. The petitioners were not carrying any weapons, and the victim was not referred to any Doctor; and there is no medical certificate to prove that the victims suffered any injuries. There are no overt acts committed by the petitioners herein. Even according to the

de facto complainant, he has lost his gold chain during the altercation. The *de facto* complainant has also not made any complaint that one of the accused has snatched away the gold chain. It is doubtful whether the ingredients of Section 382 apply to the facts and circumstances of the case, and for the other offences, if they are proved, the punishment is not more than two (02) years. Accused No.4 is stated to have enlarged on bail by the Trial Court. Therefore, taking into totality of the situation and the gravity of the situation, the petitioners / Accused Nos.1 to 3 and 5 and 6 are entitled for grant of bail.

5. Accordingly, the Criminal Petition is allowed and the petitioners / Accused Nos.1 to 3, 5 and 6 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners / Accused Nos.1 to 3, 5 and 6 are directed to surrender before the Station House Officer, P.S. Mancherial within one (01) week from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioners / Accused Nos.1 to 3, 5 and 6 shall appear before the concerned Station House Officer on every Monday and Friday between 10.30 AM and 01.00 PM for a period of six (06) weeks or till filing of charge sheet whoever is earlier.

iii) The petitioners / Accused Nos.1 to 3, 5 and 6 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

D. NAGARJUN, J

Date : 18.01.2023
Ndr