

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.452 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners / accused No.5 and 6 under Section 438 of the Criminal Procedure Code seeking pre-arrest bail in Crime No.256 of 2022 of Station House Officer, Manakondur Police Station, Karimnagar District registered for the offences under Sections 448, 363, 323, 342, 506, 307 read with Section 34 of the Indian Penal Code.

02. Heard Sri P. Ramesh Babu, learned counsel for the petitioners / accused No.5 and 6 as well as Sri T.V. Ramana Rao, learned Additional Public Prosecutor for the Respondent / State and perused the record.

03. As per the prosecution version, the wife of the victim lodged complaint on 15.11.2022 at 9.30 AM, stating that between her husband and the persons belong to Mallapur, by name Marakonda Balaiah and Marakonda Thirupathi and other unknown persons, there was dispute

with regard to money transactions in real-estate. Quarrels were also taken place, due to which the said persons have entered into their house, attacked her husband and have taken him along with them.

04. Learned counsel for the petitioners submitted that a case has been registered for the offences under Sections 448, 363, 323, 506 read with Section 34 of the Indian Penal Code and later an alteration memo was filed and Sections 342 and 307 of Indian Penal Code, were added. It is further contended by the learned counsel for the petitioners that there are no specific allegations against the petitioners/Accused Nos.5 and 6 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.

05. 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 there is no allegation that these petitioners have committed any such offence or having any such intention to kill the husband of the de-facto complainant and requested for anticipatory bail.

06. 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.

07. As seen from the remand report, in respect of accused Nos.1, 2, 7, 8, 9 and 10 and the petitioner No.1/accused No.5, there are overtacts mentioned in the remand report that accused No.1 and petitioner No.1/accused No.5 have tied a rope to the neck of LW-3 and pulled with an

intention to kill him, when the LW-3 raised hues and cry, both of them removed the rope from the neck of LW-3. Later, they took LW-3 to the house of Maram Komuraiah at Gundlapalli gate and beat him with hands indiscriminately and later they removed him from the gate and put him into the car and started towards Kariminagar side. Subsequently, other accused hide him secretly and threatened to kill him. These overtacts normally show the involvement of the petitioner No.1/accused No.5 in commission of the offence.

08. Considering the nature of allegations leveled against the petitioners and having regard to the other facts and circumstances of the case, without delving into the merits of the case, this Court is inclined to grant anticipatory bail to the petitioners/Accused Nos.5 and 6. However, so far as petitioner No.2/accused No.6 is concerned, there are no overtacts at all. Hence, petitioner No.2/accused No.6 is entitled for grant of pre-arrest bail and as the case of accused No. 3 and 4 herein bail was granted in CrI.P.No.643 of 2022 dated 02.01.2023.

09. Accordingly, the Criminal Petition is allowed in part. The petition in so far as the first petitioner/accused No.5 is dismissed. The petition in so far the second petitioner / accused No.6 is allowed subject to the following conditions:

(i) The second petitioner/accused No.6 is directed to surrender before the Station House Officer, Manakondur Police Station, Karimnagar District, within one week from today, and on such surrender, the second petitioner/accused No.6 shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a like sum each to the satisfaction of Manakondur Police Station, Karimnagar District.

(ii) On such release, the second petitioner/accused No.6 shall appear before the Station House Officer, Manakondur Police Station, Karimnagar District, on every Monday between 10:00 AM to 12:00 PM., until further orders or until charge sheet is filed, whichever is earlier.

(iii) The second petitioner/accused No.6 shall abide by the other conditions stipulated in Section 438 (2) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications in this matter, if any, shall stand closed.

Date: 19-Jan-2023
TMK

DR. D.NAGARJUN, J

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