

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.707 of 2023

ORDER:

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

2. Seeking 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 7 and 18 in Crime No.236 of 2022 of Chennur Police Station, Mancherial District.

3. The allegation that is levelled against the petitioners is that they damaged the forest area to an extent of about Acs.100-00 with an intention to occupy the same and cut about 2,000 trees present therein. Further, when the forest officials tried to resist their activities, they attacked the forest officials with an intention to kill them.

4. Making his submission, learned counsel for the petitioners contends that so far as petitioner Nos.1 to 7 are concerned, this is the second application filed for grant of anticipatory bail and the previous application *vide* CrI.P.No.11613 of 2022 was dismissed. Learned counsel

states that the petitioners apprehend arrest and except the offence punishable under Section 307 IPC, all the other offences are bailable in nature and therefore, anticipatory bail may be granted.

5. Vehemently opposing the submissions thus made, learned Additional Public Prosecutor states that the petitioners intended to destroy the forest area and they indeed destroyed the forest area to a large extent and further, cut about 2,000 trees present therein. Learned Additional Public Prosecutor also states that the investigation is still pending.

6. Record discloses grave allegations against petitioner Nos.1 to 7. Also, there is no change of circumstances so far as those petitioners are concerned from the date of dismissal of the earlier bail application. As far as petitioner No.8 i.e., accused No.18 is concerned, having found absence of his name in the F.I.R. and absence of grave allegations against him, this Court is of the view that the request of petitioner No.8-accused No.18 can be honoured, however conditionally.

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

- (i) Petitioner No.8/accused No.18 is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be enlarged on bail on his 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 No.8/accused No.18 holds a passport, he is directed to surrender the same.
- (iii) Petitioner No.8/accused No.18 should not involve in any unlawful activity.
- (iv) Petitioner No.8/accused No.18 should afford all assistance for proper investigation of the case.
- (v) Petitioner No.8/accused No.18 should not cause the evidence of the offence disappear.

(vi) Petitioner No.8/accused No.18 should not tamper with the evidence in any manner.

(vii) Petitioner No.8/accused No.18 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 No.8/accused No.18 should ensure his presence whenever required by the Court or Police.

(ix) Petitioner No.8/accused No.18 shall not leave India without previous permission of the court concerned.

(x) Petitioner No.8/accused No.18 shall report before the Station House Officer, Chennur Police Station, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) Petitioner No.8/accused No.18 shall file an affidavit 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 petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He 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. This Criminal Petition so far as petitioner Nos.1 to 7 is concerned, stands dismissed.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

07.02.2023
DR