

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CRIMINAL PETITION No.4274 OF 2023

ORDER:

This petition is filed under Section 438 Cr.P.C., seeking pre-arrest bail to the petitioners/Accused Nos.1 and 2 in the event of their arrest in connection with Crime No.34 of 2023 of Dharoor Police Station, Jogulamba Gadwal District, registered for the offences punishable under Sections 435 of Indian Penal Code, and Sections 3 and 4 of Prevention of Damage to Public Property Act.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that the de facto complainant, who is Panchyath Secretary of Obulonipally Village, lodged a complaint before the Police, Dharoor Police Station, alleging that on 04.04.2023 the petitioners/accused Nos.1 and 2 have damaged the pipe line of Mission Bhageeradha Scheme, situated in front of their house at Obulonipally Village, by setting fire and caused damage to the Public Property.

4. Learned counsel for the petitioners submits that the petitioners have not caused any damage to the Public Property and they were falsely implicated in the present crime and prayed to grant anticipatory bail to the petitioners.

5. As can be seen from the material available on record, it is axiomatic that the alleged offences against the petitioners are not either punishable with death or imprisonment for life. It is no doubt true that the accusations leveled against the petitioners are punishable under Sections 435 I.P.C., 3 and 4 of P.D.P.P.Act. However, the truth or otherwise of the same would be known only after full-fledged trial.

6. Having regard to the submissions made by the learned counsel for the petitioners/Accused Nos.1 and 2 and considering the facts and circumstances of the case, I am inclined to allow this Criminal Petition on following conditions:-

- i) The petitioners/accused Nos.1 and 2 are directed to surrender before the learned I Additional Judicial Magistrate of First Class, Gadwal, within two weeks from the date of receipt of a copy of this order. On such surrender, the said Magistrate shall release the petitioners/accused Nos.1 and 2 on bail, on their

executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties in a like sum each to his satisfaction.

- ii) On such release, the petitioners/accused Nos.1 and 2 shall appear before the concerned Station House Officer as and when their presence is required for concluding the investigation.
- iii) The petitioners/accused Nos.1 and 2 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Accordingly, the Criminal Petition is allowed.

JUSTICE A.SANTHOSH REDDY

04th May, 2023.
SA/SVL

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CRIMINAL PETITION No.4274 OF 2023

4th May, 2023.

SA/SVL