

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.4237 of 2023

ORDER:-

This petition is filed under Sections 438 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking to enlarge the petitioners/accused Nos.6, 8 and 9 on bail in the event of their arrest in Crime No.294 of 2023 dated 19.03.2023 on the file of the Medipally Police Station for the offences punishable under Sections 148, 307, 342, 505, 506, 395, 109 r/w 149 of the Indian Penal Code, 1860 (for short, "I.P.C.").

2. Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the respondent State.

3. The sum and substance of the case of the prosecution is that on 19.03.2023, the complainant one Sri Sai Kiran Goud along with his close associate Sri Ravi Kiran went to the office of Q news located in the upstairs of Vijaya Diagnostics, near Pillar No.49, beside Spark Hospital, Peerzadiguda to know the reasons for spreading false rumours touching their leaders. He entered into the premises of the Q news and the staff members assaulted him with hands and sticks causing injuries. They detained him with an intention to take away his life. Accused Nos.2 and 4 were involved in such attack.

4. Learned counsel for the petitioners submitted that there is no reference of the names of these petitioners either in the First Information Report or in the Remand Report of A2 to A4. Subsequently, these petitioners were added to take revenge for propagation of news. Accused No.6 is the brother of accused No.1 and the other petitioners were implicated without there being any specific overt act and reference of their names in the alleged act.

5. Learned Public Prosecutor opposed the grant of pre-arrest bail to the petitioners contending that though their names were not referred earlier, in the subsequent investigation, they were found to have participated in the alleged attack. According to the learned Public Prosecutor the custodial interrogation of the petitioners is required.

6. A glance of the First Information Report shows that there is no reference of the names of these petitioners. It is also not stated as to why the complainant went to the premises of Q news. Moreover, there is every right on the part of the inmates of the Q news to use a reasonable force from the alleged act of obstruction which according to the petitioners was caused one day prior to the incident. In the remand report of Accused Nos.2 to 4, there is no

reference of the names of these petitioners and their names were included in the subsequent investigation.

7. Considering the facts under which the incident had occurred, it is clear that no specific overt act has been attributed to the petitioners and the injured has not stated about the number of persons involved in the offence. In the said circumstances this Court is inclined to grant anticipatory bail to the petitioners.

8. In the result, the Criminal Petition is allowed and the petitioners are granted anticipatory bail subject to the following conditions:

- i) The petitioners are enlarged on bail in the event of their arrest in connection with Crime No. 294 of 2023 on the file of the Station House Officer, P.S. Medipally, on their executing a personal bond for a sum of Rs.35,000/- (Rupees Thirty Five Thousand Only) with two sureties each to the like sum each to the satisfaction of the concerned Station House Officer.
- ii) The petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C. and co-operate with

the Investigating Officer in investigating the case.

Consequently, miscellaneous applications pending, if any, shall stand closed.

Date: 07.06.2023
ESP/FM

M. LAXMAN, J

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