

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CRIMINAL PETITION No.4412 OF 2023

ORDER:

This petition is filed under Section 438 Cr.P.C., seeking pre-arrest bail to the petitioners/Accused Nos.1 to 3 in the event of their arrest in connection with Crime No.70 of 2023 of Mustabad Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 307, 332, 353, 341, 285, 143, 290, 504 read with Section 34 of Indian Penal Code.

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 Police Constable of Mustabad Police Station, lodged a complaint before the Police, Mustabad, alleging that on 05.04.2023, on reliable information that Congress Party activists are staging Dharna at Rajiv Chowk, Mustabad, the *de facto* complainant, Sub-Inspector of Police and other police personnel immediately rushed to the scene and found that some of the Congress Party activists are

setting fire to an effigy prepared by them. When Sub-Inspector of Police tried to subside the fire, petitioners/Accused Nos.1 to 3 abused the Sub-Inspector of Police and other Police persons and threw the burning effigy on them due to which, the Sub-Inspector has suffered burnt injuries.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence much less the alleged offences 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, the injuries sustained by the victim-Sub-Inspector of Police are simple in nature. However, the truth or otherwise of the same would be known only after full-fledged trial.

6. 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 to 3 are directed to surrender before the learned Judicial Magistrate of First Class, Sircilla, 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 to 3 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 to 3 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 to 3 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

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CRIMINAL PETITION No.4412 OF 2023

4th May, 2023.

SA/SVL