

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

CRIMINAL PETITION No.4749 OF 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C., seeking anticipatory bail to the petitioners/accused Nos.1 and 2 in the event of their arrest in connection with Crime No.72 of 2023 of Mamnoor Police Station, Warangal District, registered for the offences punishable under Sections 447, 427, 386 read with Section 34 of Indian Penal Code.

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

3. The case of the prosecution against the petitioners in brief is that on 08.05.2023 at about 6.30 PM, the petitioners trespassed into the coconut garden of the informant by jumping the wall and demolished the water sump in the garden, tin sheet shed and steps with crow-bars and caused damage worth Rs.40,000/-. It is also alleged that when the tenant of the informant by name Munukuntla Mallaiah tried to obstruct the petitioners, one among them disclosed his identity stating that he is son-in-law of Konda Murali and threatened that nobody can do anything to him.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the alleged offences under Sections 447 and 427 are bailable offences and so far as the offence under Section 386 I.P.C. is concerned, the allegations made in the report do not *prima facie* attract the said offence, as the petitioners are not alleged to have indulged in any extortion. Therefore, prays for grant of anticipatory bail to the petitioners.

5. Learned Additional Public Prosecutor opposed the bail on the ground that the investigation is still pending.

6. A perusal of the record would *prima facie* disclose that the offence under Section 386 I.P.C. is not attracted to the allegations leveled against the petitioners. Moreover, the other offences under Sections 447 and 427 I.P.C. are bailable. In the said circumstances, the request of the petitioners can be considered on the following conditions:-

- i) The petitioners/accused Nos.1 and 2 are directed to surrender before the Court concerned, within two weeks from the date of receipt of a copy of this order. On such surrender, they shall be enlarged on bail, on their executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties in a like sum each to the satisfaction of the Court concerned.

- ii) In case, the petitioners/accused Nos.1 and 2 hold passports, they are directed to surrender the same before the Court concerned.
 - 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.
7. Accordingly, the Criminal Petition is allowed.

B.VIJAYSEN REDDY, J

1st June, 2023.
va/svl

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Date:01.06.2023

va/svl