

**THE HONOURABLE SRI JUSTICE M. LAXMAN**

**CRIMINAL PETITION No.4758 OF 2023**

**ORDER:**

This petition is filed seeking to grant regular bail under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.13 in Crime No.39 of 2023 of Venkatapuram Police Station, Mulugu District. The offences alleged against the petitioner/accused No.13 are under Sections 143, 307 120(B) read with 149 Indian Penal Code, Section 5 of the Explosive Substances Act 1908, 8(1)(2) of the Telangana State Public Security Act 1992, Section 10, 13, 18 of Unlawful Activities Prevention Act 1967.

2. The sum and substance of case of the prosecution is that the petitioner/accused No.13 is the son of accused No.11. Accused No.11 is the Ex member of banned organisation (CPI Maoist). Accused No.3 is also relative of accused Nos.11 and 13. On the instructions of the Maoist leaders, accused No.11 allegedly purchased medicine, sim cards, cell phone and instructed his son-petitioner/accused No.13 to handover the same to accused No.3, a member of banned organisation. While handing over, accused

Nos.1 to 5 were arrested, and on the basis of confession given by accused Nos.3, accused Nos.11 and 13 were also implicated in the complaint.

3. The confession of accused No.3 shows that accused No.13 was engaged to handover the medicines and a cell phone with Sim Cards to accused Nos.3. Accused No.13 collected money of Rs.50,000/- towards medical expenses, four Sim Cards and cell phone and handed over the same to accused No.3 viz., Dhiddi Sathyam.

4. It is also alleged that petitioner/accused No.13 used to pick and drop accused No.11 to the many meetings of CPI Maiost Association. On the said allegation, petitioner/accused No.13 was arrested.

5. Learned counsel for the petitioner/accused No.13 submitted that he is the student of law and he was following the instructions of accused No.11 to deliver the medicine, sim cards and phone and he was unaware of the consequences. He was never part of any

banned organization including the CPI Maoist organization. In the above circumstances, he prayed to allow the bail petition.

6. Learned Additional Public Prosecutor opposed for grant of bail and contended that the petitioner is actively participating in the meetings along with accused No.11 and he assisted the members of organisation to carryout unlawful activities. Therefore, the conditions of Section 45(d) of Cr.P.C were not complied with.

7. As seen from the charge sheet, the only allegation levelled against the petitioner/accused No.13 was that he went along with accused No.11 to the meetings of CPI Maoist Association. It is not known whether the participation of petitioner/accused No.13 along with accused No.11 in the meetings of organisation or to drop the accused No.11, who happened to be father of petitioner/accused No.13, is consciously. The medicines were also handed over by accused No.13 on the instructions of his father-accused No.11. Therefore, there is no other material on record to show that the petitioner/accused No.13 was part of any conspiracy or any unlawful activities or consciously took part in any meetings of the

banned association. There is also no material to show that the petitioner participated in unlawful activities.

8. From the above material, this Court comes to a conclusion that there are reasonable doubts whether the offences alleged under the provisions of the Unlawful Activities (Prevention Act, 1967) are attracted to the petitioner/accused No.13 or not? There is no stringent bail conditions in the above Act. Considering the educational background of the petitioner/accused No.13 and the role he has played, this Court is inclined to grant bail to the petitioner/accused No.13 on certain terms and conditions.

9. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.13 shall be released on bail on the following terms and conditions:

- (i) The petitioner/accused No.13 shall be released on bail on his executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the I Additional Judicial First Class Magistrate (Spl. Court for Naxals) at Hanmakonda..

- (ii) The petitioner/accused No.13 shall not directly or indirectly influence or make any witnesses or complainant.
- (iii) The petitioner/accused No.13 shall undertake to appear before the SHO, Hanmakonda during his stay for writing examinations of final year L.L.B on every Sunday.
- (iv) The petitioner/accused No.13 shall make his presence before the Station House Officer, Kushaiguda Police Station, on every Second Saturday of the month for a period of six (6) months.
- (v) The petitioner/accused No.13 shall also undertake to appear before Station House Officer, Venkatapuram Police Station, as and when his presence is required for further investigation.
- (vi) The petitioner/accused No.13 shall also undertake not to participate in any similar kind of activities or associated with any of the banned organisation including CPI Maoist.
- (vii) The petitioner/accused No.13 shall not indulge in similar type of offences till conclusion of trial and if it is found that the petitioner is involved in similar type of offences in future, the bail granted to him shall automatically

stands cancelled and he shall be taken into custody forthwith.

JUSTICE M. LAXMAN

12.06.2023  
Mnv/AQS