

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5763 OF 2023

ORDER:

1. This petition is filed under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C) seeking to grant regular bail to the petitioners who are arrayed as accused Nos.1 and 9 in Crime No.97 of 2023 of Kusumanchi Police Station, Khammam District. The offences alleged against the petitioners are under Sections 147, 148, 186, 153(A), 307, 324, 341, 353 and 506 read with Section 149 of the Indian Penal Code.

2. The sum and substance of case of the prosecution is that the accused and other persons who belong to Congress Party allegedly attacked on the car belong to MLA of the Constituency who belong to TRS party. In the said attack the present petitioners along with other accused allegedly thrown stones on the car and the windshield of the car was broken and the driver sustained injury.

3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent - State.

4. The remand report of the present petitioners shows that there is no seizure of any broken glasses of the car. Initially, stones were recovered from the scene of offence and there is no recovery of broken windshield either from the car or from the scene of offence, where the alleged attack was made. LW7 allegedly visited the camp office of the MLA. Four stones were recovered from the car in the presence of same mediators and there is no recovery of broken windshields even at the camp office. The MLA was not examined. It appears there is a political rivalry between the parties.

5. In the above facts and circumstances, this Court is inclined to grant bail to the petitioners-accused Nos.1 and 9 on certain terms and conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioners-accused Nos.1 and 9 shall be released on bail on the following terms and conditions:

- (i) The petitioners-accused Nos.1 and 9 shall be released on bail on their executing a personal bond for Rs.10,000/- (Rupees Ten thousand only) each with two

sureties for a like sum each to the satisfaction of Judicial First Class Magistrate (Special Mobile) at Khammam.

- (ii) The petitioners-accused Nos.1 and 9 shall appear before the S.H.O., Kusumanchi Police Station, Khammam District on every Sunday between 10 a.m., and 5 p.m for a period of two (02) months.
- (iii) The petitioners-accused Nos.1 and 9 shall not directly or indirectly influence or make any witnesses or complainant.
- (iv) The petitioners-accused Nos.1 and 9 shall not indulge in similar type of offences till conclusion of trial and if it is found that the petitioners are involved in similar type of offences in future, the bail granted to them shall automatically stands cancelled and they shall be taken into custody forthwith.
- (v) The petitioners-accused Nos.1 and 9 shall make available with the investigating agency for proper investigation and they shall fully cooperate with the investigation agency. They shall not at in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

Date: 05.07.2023
pld/ns

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