

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6213 OF 2023

ORDER:

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioner, who is arrayed as sole accused in Crime No.95 of 2023 of Gollapally Police Station, Jagtial District. The offences alleged against the petitioner are under Sections 290, 323 and 506 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2) (Va) of the SC/ST POA Act.

2. The allegation against the petitioner - accused shows that on 08.06.2023 at about 04.30 hours, the accused allegedly kicked the victim, when he was present at Tank bund to witness the festival and also allegedly abused him in the name of caste.

3. The contention of the learned counsel for the petitioner is that previously on similar allegations an FIR was issued and he was in jail for 23 days, and he was again falsely implicated in the present case since the petitioner-accused was not writing the articles in favour of the Government. He further contented

that the provisions of the Act were misused to force the petitioner to fall in the trap.

4. Learned Additional Public Prosecutor opposed the bail application.

5. On perusal of the material on record, previously the petitioner - accused was already implicated in a similar allegation. The petitioner appeared to be a reporter and he was again implicated in the similar kind of offence. It appears it is a case of an abuse of process of law.

6. In view of the above, it is a fit case to grant bail to the petitioner - accused.

7. Accordingly, the Criminal Petition is allowed and the petitioner-accused shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused is enlarged on bail in the event of his arrest in connection with FIR No.95 of 2023 on the file of the Station House Officer, Gollapally Police Station, Jagtial District on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

- (ii) The petitioner-accused 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.

JUSTICE M. LAXMAN

Date: 18.07.2023
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