

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1980 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking anticipatory bail to the petitioners/Accused Nos.1 to 11 and 14 to 22 in Crime No.60 of 2024 on the file of Station House Officer, Mokila Police Station, Cyberabad District, registered for the offences punishable under Sections 324, 143, 147, 148 read with 149 of Indian Penal Code.

2. The case of the prosecution in brief was that on 13.02.2024, the *de facto* complainant lodged a written complaint before the Station House Officer (in short SHO) of Mokila Police Station stating that he along with some other villagers were present while laying C.C road from Mirjadiguda to Janwada, wherein the work was decided to lay up to the Bus stand and Auto stand in the village but they requested to be taken up to the Church and during the said work, the accused who were in the Church attacked them with bricks and sticks and in that incident some of the persons were injured. Basing on the said report, the above Crime was registered.

3. Heard learned counsel for the petitioners/Accused Nos.1 to 11 and

14 to 22 and learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that with regard to the said incident, total three Crimes were registered, a case was registered by the father of one of the petitioners as Crime No.59 of 2024 and the Deputy Executive Engineer had also lodged a report which was registered as Crime No.61 of 2024 along with the present crime. The report in Crime No.61 of 2024 lodged by the Deputy Executive Engineer gives a clear picture. The dispute was in relation to the formation of C.C road from Nallala Bavi to Dr.B.R.Ambedkar Chowrastha. During the formation of road, the Ex-Sarpanch of the village along with other villagers, by name, Talari Maisaiah, G.Narsimha and Edulakanti Gopal requested them to lay road to the extent where original C.C road was existing. When that request was disagreed, they started hurling abuses against the petitioners touching their caste. The *de facto* complainant called his associates numbering 200 to attack them. To prevent such attack, the petitioners herein have fled into church for shelter. The complainant and his associates damaged the doors and windows of the church and entered into the church with sticks and rods and attacked the people in the church. In the said attack about 12 persons were injured.

Due to which a case was registered as Crime No.59 of 2024 against the defacto complainant herein and others.

5. He further submitted that the present complaint was not maintainable in view of the other crimes registered against the very same complainant. The averments in Crime No.61 of 2024 would clearly show the malafide intention of initiation by the *de facto* complainant. The road works under taken by the department were never obstructed by the petitioners or any other member of the church. The complainant, ex-Sarpanch and their henchmen had resorted to illegal activities and threatened the people working there and prayed to enlarge the petitioners on anticipatory bail.

6. He further submitted that the paternal uncle of the *de facto* complainant was an advocate and his wife who is local Sarpanch supported by local MLA were trying to apprehend the petitioners and they were exerting influence on the police to see that the petitioners were arrested so that they would come to their terms and conditions.

7. Learned Additional Public Prosecutor stated that case and counter case were registered against each other by two groups in the village, there was Law and Order problem in the village, due to which Section 144 of

Cr.P.C was also promulgated and prayed to dismiss the anticipatory bail application of the petitioners.

8. Perused the record. On enquiry the learned Additional Public Prosecutor submitted that the persons shown as victims were discharged from the hospital but their injury certificates were not available, as such, he could not state the nature of injuries sustained by them.

9. Learned counsel for the petitioners filed photographs showing the injuries sustained by the petitioners, who were alleged as accused along with damage caused to the church. Considering the report filed by the Deputy Executive Engineer in Crime No.61 of 2024, which would show that the *de facto* complainant and his party were aggressors and that they entered into the church with sticks and rods and damaged the church and also caused injuries to 12 persons and in the present case, it was alleged that the *de facto* complainant and his party were attacked with bricks and only three (03) bricks were seized from the scene of offence by the police and the injured were also discharged from the hospital, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

10. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 to 11 and 14 to 22 shall be released on

anticipatory bail subject to the following conditions:

- 1) The petitioners/Accused Nos.1 to 11 and 14 to 22 are directed to surrender before the Station House Officer, Mokila Police Station, Cyberabad District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/Accused Nos.1 to 11 and 14 to 22 on bail, on their executing a personal bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.
- 2) On such release, the petitioners/Accused Nos.1 to 11 and 14 to 22 shall appear before the Investigation Officer on every Saturday between 8.00 AM to 11:00 AM for a period of eight weeks and till filing of the Charge sheet whichever is earlier.
- 3) The petitioners/Accused Nos.1 to 11 and 14 to 22 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigation of the case.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 22.02.2024
dsv/ds

THE HONOURABLE DR.JUSTICE G.RADHA RANI

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