

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2430 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/A18 and A22 in Crime No.53 of 2024 on the file of Khammam II Town Police Station, Khammam District, registered for the offences punishable under Sections 143, 147, 148 and 307 r/w 149 of IPC.

2. The case of the prosecution, in brief, was that on 04.02.2024 at 00:30 hours, the *de facto* complainant came to the police station and lodged a report stating that on 03.02.2024 at 23:00 hours, their villager by name, Inpanuri Rambabu was beaten by some person at Ramesh dhaba-2 Kodad X roads, Khammam and as he was taking treatment in Khammam Government Hospital, he along with his friends Mahesh, Kali Charan, Sairam, Govardhan and Uday went to the Government Hospital to visit him and while they were returning and came to the hospital main gate, the accused persons formed themselves into an unlawful assembly by holding sticks and stones and attacked them, due to which, the complainant, Mahesh and Kali Charan sustained bleeding

injuries over their heads and other parts of the body. In the meantime, the Sub Inspector of Police, Khammam came there and tried to stop the galata, but the accused persons attacked him also. When the police force reached the spot, the accused persons escaped with the weapons. Basing on the aforesaid report, the subject crime was registered and A1, A3 to A6, A9, A10, A12, A15, A16 and A19 were arrested on 05.02.2024.

3. Heard learned counsel for the petitioners/A18 and A22 and learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioners/A18 and A22 submitted that the name of the petitioner/A22 was not mentioned in the FIR. He was a student who was pursuing B.Tech. at Hyderabad and he has to attend exams. If the police arrest the petitioner/A22, his future and career would be spoil. The petitioner/A18 was a private employee and was also pursuing studies. Only on the confession of other accused, the names of the petitioners/A18 and A22 were implicated and prayed to grant anticipatory bail to the petitioners/A18 and A22.

5. Learned Additional Public Prosecutor submitted that the petitioners/A18 and A22 were also part of the unlawful assembly, who

attacked and caused injuries to the complainant as well as his friends. He further stated that one of the victims received a lacerated injury on his head and now he was discharged from the hospital and prayed to dismiss the bail petition of the petitioners/A18 and A22.

6. Perused the record.

7. Considering that the name of the petitioner/A18 was mentioned in the FIR, but no overt acts were attributed against him and that the name of the petitioner/A22 was not even mentioned in the FIR and that their names were incorporated only basing on the confession of the co-accused and as the victim persons were also discharged from the hospital and these persons were not stated to have been involved in beating Sub Inspector against which Crime No.57 of 2024 was registered it is considered fit to grant anticipatory bail to the petitioners/A18 and A22.

8. Accordingly, the Criminal Petition is allowed and the petitioners/A18 and A22 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners/A18 and A22 are directed to surrender before the Station House Officer,

Khammam II Town Police Station, Khammam 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/A18 and A22 on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- 2) The petitioners/A18 and A22 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Miscellaneous applications, pending if any, shall stand closed.

Date: 06.03.2024
ssp

Dr. G.RADHA RANI, J