

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3269 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.4 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on anticipatory bail in Crime No.383 of 2023 of Valigonda Police Station, Yadadri Bhongir District, registered for the offences punishable under Section 307 read with 34 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 22.11.2023 at 21:30 hrs, the mother of the victim lodged a report before the police stating that her son aged 23 years fell in love with one Elagandula Manasa aged 22 years who also belonged to their village. On 14.01.2023, they both got married at Lakshmi Narasimha Swamy Temple in Yadagirigutta and were living in Hyderabad. It was a love marriage performed against the wishes of the parents of Manasa. On 22.11.2023, at 10:00 hrs, her son

came to Manepally village for attending last rites of their relative. Ever since her son's love marriage, Manasa's parents developed grudge against her son. At around 6:00 PM, her son's friend (the petitioner herein) called him. As per the plan, the three accused persons attacked her son with knives near Mutyalamma temple in Vemulakonda village at 7:30 PM. He sustained injuries on his neck, under his left arm and under his left shoulder. When the people around saw them and shouted loudly, the three accused persons ran away.

3. Basing on the said report, the above crime was registered against A1 to A4 for the offence punishable under Sections 307 read with 34 of IPC. Initially, the petitioner was shown as accused No.3 but subsequently he was shows as A4 and the brother and parents of Manasa were shown as accused Nos.1 to 3. Accused No.1 surrendered before the Police and Accused Nos.2 and 3 were arrested on 23.11.2023.

4. Heard the learned counsel for the petitioner-Accused No.4 and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner/accused No.4 submitted that petitioner was falsely implicated by the mother of the victim but the statements of the injured and eye-witnesses recorded under Section 161 Cr.P.C. would not speak about his involvement in the offence. The injured and eye witnesses stated that the petitioner did not attack the injured but tried to protect his friend from the attack. The petitioner ought to have been cited as an eye witness but shown as an accused. The petitioner was working as Agricultural Extension Officer in Agriculture department at Vemulakonda Village. His arrest or remand would affect his service and as such, prayed for grant of anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor stated that the involvement of the petitioner was stated by the mother of the victim in her report and he was shown as accused No.3 in the

FIR, but subsequently, he was shown as accused No.4. He admitted that the statements of the injured and eye witnesses would not show his involvement. He further submitted that accused Nos.1 to 3 were released on bail.

7. Perused the record.

8. The record would disclose that the name of the petitioner though shown as one of the persons who attacked the victim in the FIR but subsequently the injured as well as the eye witnesses in their 161 Cr.P.C. statements clearly stated that the petitioner did not attack the injured and he raised alarm against the accused persons and tried to stop them. Under a misconception, the complainant had shown him as an accused in the complaint. Considering that the petitioner was a government employee and his name was falsely shown, it is considered fit to enlarge him on anticipatory bail.

9. Accordingly, the Criminal Petition is allowed directing the petitioner/accused No.4 to be released on

anticipatory bail subject to the following conditions:

- i) The petitioner-Accused No.4 is directed to surrender before the Station House Officer, Valigonda Police Station, Yadadri Bhongir District, within a period of (15) days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.
- ii) The petitioner/Accused No.4 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 26th March, 2024
dgr

Dr. G.RADHA RANI, J