

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3628 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), for grant of regular bail in Crime No.32 of 2024 on the file of Gadwal Rural Police Station, Jogulamba Gadwal District registered for the offences punishable under Sections 341 and 333 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 05.03.2024, the P.C.No.2242 of District Special Branch Constable lodged a report stating that on 01.03.2024 at 14:30 hrs, the S.I of Police of Gadwal Rural Police received credible information about a gang of persons playing cards at the outskirts of Shetti Atmakur Village. On the said information, the S.I along with his staff P.C.No.1202 and P.C.No.2192 rushed to the said place and found some persons playing cards near Vijay Reddy’s agriculture land. They apprehended some of the persons. While the remaining persons were trying to escape, they chased them. On that, the accused obstructed

and beat P.C.No.1202 - Ayyanna with hands and pushed on the ground forcibly, due to which he sustained bleeding injuries on left hand, left side forehead, head and left leg thigh. Immediately, he was shifted to Apollo Hospital, Hyderabad. As the complainant also was along with him taking care of him on his return to the Police Station on 05.03.2024, lodged the report. Basing on the said report, the above crime was registered and the petitioner /accused was arrested on 09.03.2024.

3. Heard learned counsel for the petitioner/accused and the learned Additional Public Prosecutor for the respondent-State.

4. Learned Counsel for the petitioner submitted that there was a delay of 5 days in lodging the report. The petitioner was falsely implicated in the above case and was in custody since one month and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor submitted that the victim/P.C.No.1202 was still admitted in the hospital and he was not yet discharged. The petitioner was involved in three other cases under

Gaming Act and prayed to dismiss the bail application of the petitioner/accused.

6. Perused the record.

7. Considering that the date of incident was stated to be on 01.03.2024 but the report was lodged on 05.03.2024 and the S.I of Police of Gadwal Rural Police who received information about the betting and gaming going on at the out skirts and headed the raid had not lodged any report about the P.C sustaining injuries and was taken to the Apollo hospital, Hyderabad for treatment and waited till the other P.C returned from Hospital and lodged the report and as per the facts of the case also it would appear that the petitioner/accused pushed the P.C, due to which he sustained injuries and as it was not an intentional act of attacking the public servant and the petitioner was in custody for the past one month, it is considered fit to enlarge the petitioner on bail.

8. Accordingly, the Criminal Petition is allowed directing the petitioner/accused to be released on regular bail subject to the following conditions:

i) The petitioner/Accused shall execute 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 learned Judicial First Class Magistrate at Gadwal.

ii) The petitioner/Accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:03.04.2024
dgr

Dr. G.RADHA RANI, J