

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.4074 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A1 and A2 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of their arrest in Crime No.37 of 2024 on the file of PS Pangal, Wanaparthy District, registered for the offences punishable under Section 307 read with 34 of IPC.

2. The case of the prosecution in brief was that on 23.03.2024 at 14:00 hours, the *de facto* complainant by name Royyala Venkataiah lodged a report stating that their villagers Bolleddula Vishnu and Bolleddula Laxmi (the petitioners herein) gave money to some persons namely Soppari Veeresh, Soppari Vijay and Soppari Ravi, residents of Ayyavaripally Village of Pebbair Mandal and made them attack their son by name Srikanth with a preplan and beat him brutally by putting leg on his throat and took videography. They left him believing that he died. On the intimation given by the videographer, he proceeded to the said place and shifted his son to Wanaparthy Hospital and admitted him.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioners submitted that the petitioners were falsely roped in the above case. The petitioners' daughter by name Bolleddula Jyothi was studying graduation in Wanaparthy. Royyala Srikanth, the son of the *de facto* complainant used to follow her and harass her in the name of love. He frequently followed her while she was returning to the village from bus stage on foot and also pulled her hand. On 21.03.2024 at 08:30 hours, while she was in her home, Royyala Srikanth came to her and caught hold her hand forcibly and harassed her to love him. When she resisted and shouted loudly, her parents (the petitioners herein) came to her. On seeing them, Royyala Srikanth fled away from there. After discussion, the daughter of the petitioners lodged a complaint against Royyala Srikanth in police station, Pangal. The same was registered as FIR No.36 of 2024 for the offences under Sections 354, 354-A and 354-D of IPC on 23.03.2024. After coming to know about the complaint lodged by the daughter of the petitioners, as a counter blast, the *de facto* complainant lodged the present case and created the story to implicate the petitioners in a false case. There were no ingredients to attract the offence under Section 307 of IPC. No injuries were sustained by Royyala Srikanth to attract the said offence and prayed to enlarge the petitioners on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners.

6. Perused the record and the contents of the complaint lodged by the *de facto* complainant in the present crime as well as the contents of the report given by the daughter of the petitioners, which was registered as Crime No.36 of 2024 by PS, Pangal for the offences under Sections 354,354-Aand354-DofIPC.

7. Considering that the daughter of the petitioners lodged the report against Royyala Srikanth on 23.03.2024 at 10:00 hours and the present complaint was lodged by the *de facto* complainant on the same day before the same police station at 14:00 hours and as it appeared to be lodged as a counter blast to the said crime in FIR No.36 of 2024 and as it was reported by the Additional Public Prosecutor that Royyala Srikanth sustained only multiple small abrasions, which were opined as simple in nature and the MLC also would disclose that the injuries were sustained by him on 21.03.2024, but the present complaint was lodged on 23.03.2024 without mentioning as to when the alleged incident occurred, it is considered fit to grant anticipatory bail to the petitioners on certain conditions.

8. In the result, the Criminal Petition is allowed and the petitioners - A1 and A2 are granted anticipatory bail subject to the following conditions:

(i) The petitioners–A1 and A2 are directed to surrender themselves before the Station House Officer of PS Pangal, Wanaparthy District within a period of (15) days from the date of this Order, and on such surrender, the SHO of PS Pangal, Wanaparthy District shall release the petitioners–A1 and A2 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.

(ii) The petitioners–A1 and A2 shall comply with the conditions laid down under Section 438(2) of Cr.P.C..

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Date:23rd April,2024
Nsk.

Dr.G.RADHARANI, J