

THE HONOURABLE SRI JUSTICE N. TUKARAMJI**CRIMINAL PETITION No.5788 OF 2024****ORDER:**

1. This Criminal Petition is filed under Section 438 of Cr.P.C by the petitioners seeking anticipatory bail.
2. Petitioners/accused Nos.2 and 3 in Crime No.275 of 2024 of Karimnagar-II Town Police Station, Karimnagar District, within the territorial jurisdiction of the Family Court-cum-IV Additional District and Sessions Judge Karimnagar.
3. I have heard Sri Ravula Sowmya Reddy, learned counsel for the petitioners and Sri Khaja Vizarath Ali, learned Assistant Public Prosecutor for the respondent-State.
4. The allegations against the petitioners are that, in the backdrop of boundary disputes, on 10.03.2024, the accused Nos.1 to 3 criminally trespassed into the land of the de facto complainant, stopped the persons who were measuring the land and threatened them with dire consequences and also removed the boundaries, thereby caused loss to the tune of

Rs.1,000/-. Thus, committed offence under Sections 420, 467, 468, 471, 447, 427, 290 and 506 read with 34 of the Indian Penal Code, 1860.

5. Learned counsel for the petitioners submits that the petitioners were falsely implicated in the case by pointing the disability certificate issued by the Medical Board pleaded that the petitioner No.1/accused No.2 is suffering from physical (Locomotor/Orthopaedic) of right upper limb and right lower limb with the disability of 50%. Thus, he is not in a position even to move from bed, but, de facto complainant mentioned his name only to settle this dispute in the Civil Court. Further, there is no specific allegation against the petitioner No.2/accused No.3. However, as the petitioners are apprehending arrest, prayed the Court for grant of anticipatory bail.

6. Learned Assistant Public Prosecutor opposed bail application, but submits that the disability certification is confirmed by the concerned police, as genuine, and that the accused No.1 was arrested and released on bail.

7. I have considered the submissions of learned counsel and perused the material on record.

8. Having regard to the physical condition of the petitioner No.1/accused No.2 and other probabilities, nature of offence and to the depth of the allegations against the petitioner No.2 in the police report, this Court is inclined to positively consider the prayer for anticipatory bail.

9. Accordingly, the present Criminal Petition is allowed on the following conditions:

- 1) The petitioners/accused Nos.2 and 3 are directed to surrender before the Station House Officer, Karimnagar-II Town Police Station, Karimnagar District, on or before 06.07.2024. Upon such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a self-bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to his satisfaction.
- 2) The petitioners shall appear before the Station House Officer for interrogation and the judicial process as and when required, except for leave of the Court.

- 3) The petitioners shall abide by the other conditions stipulated in Section 438 (2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.
- 4) In case the petitioners commits breach of any of the conditions, the bail is liable to be cancelled at the instance of the prosecution and the trial Court shall be at liberty to consider such application on merits.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE N.TUKARAMJI

Date: 24.06.2024

Ssm/tmk

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5788 of 2024
Dt.24.06.2024

SSM/TMK